EXHIBIT A

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff,

vs.

CITY OF OAKLAND, AND PORT OF OAKLAND

Defendant.

CITY OF OAKLAND, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS BOARD OF PORT COMMISSIONERS (PORT OF OAKLAND),

Counterclaimant,

VS.

CITY AND COUNTY OF SAN FRANCISCO

Counterclaim Defendants.

Case No.: 3:24-cv-02311-TSH

EXPERT REPORT OF SARAH BUTLER

EXPERT REPORT OF SARAH BUTLER

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I. QUALIFICATIONS

- 1. I am a Senior Managing Director at NERA, where I am the Chair of the Survey Research and Consumer Behavior Practice and a member of the Intellectual Property and Antitrust Practices. My business address is 4 Embarcadero Center, San Francisco, CA 94111. NERA is a firm providing expert statistical, survey, economic, and financial research analysis.
- 2. At NERA, I conduct survey research, market research, and sampling analysis on a wide range of topics regarding business and consumer decision making, consumer perceptions, and consumer behavior. In the course of my career, I have conducted research for leading corporations and government agencies on consumers, employees, and businesses. My work has been included in numerous lawsuits involving issues of trademark and trade dress confusion, secondary meaning and false advertising, as well as in antitrust and employment-related litigation. I am a member of the American Association of Public Opinion Research, the American Statistical Society, the Intellectual Property Section of the American Bar Association, and the International Trademark Association (INTA).
- 3. I have also worked as a market researcher conducting surveys and other forms of research, including personally conducting focus groups and in-depth interviews with consumers and professionals. I have worked as an independent consultant conducting research for the Department of Environment and Rural Affairs in the United Kingdom. I have taught courses focused on or involving research methodologies in both the United States and Europe. I hold a Master's Degree in Philosophy from Trinity College, Dublin and a Master's Degree in Applied Sociology from Temple University.
- 4. I have substantial experience conducting and using surveys to measure consumer opinions and behaviors regarding products and services, including brand awareness, purchase

processes, product attributes, market segmentation, new product research, and advertising strategies.

- 5. I have submitted expert reports, been deposed, and have testified at trial within the last five years. A list of my testimony is included on the copy of my current resume, which is attached hereto as **Exhibit A**.
- 6. NERA is being compensated for my services in this matter at my standard rate of \$825 per hour. Members of the staff at NERA have worked at my direction to assist me in this engagement. No part of my compensation or NERA's compensation depends on the outcome of this litigation. Throughout this report, I have used the terms "I" and "my" to refer to work performed by me and/or others under my direction.

II. DOCUMENTS REVIEWED

7. As part of my work, I reviewed the First Amended Complaint,¹ the Answer and Counterclaims, ² and other materials. A list of the specific materials I reviewed and relied upon can be found in **Exhibit B.**

III. ASSIGNMENT AND SUMMARY OF OPINIONS

8. I was asked by counsel for the City and County of San Francisco to design and conduct a survey to evaluate whether the Metropolitan Oakland International Airport's ("Oakland Airport") decision to change its name to the "San Francisco Bay Oakland International Airport" is

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¹ First Amended Complaint for Trademark Infringement, Unfair Competition/False Designation of Origin, and Common Law Trademark Infringement, *City and County of San Francisco vs. City of Oakland*, United States District Court for the Northern District of California, Case No. 3:24-cv-02311-TSH, dated May 3, 2024 (hereinafter, "*First Amended Complaint*").

² Answer to Complaint and Counterclaim of Defendant City of Oakland, a Municipal Corporation, Acting by and through its Board of Port Commissioners (Port of Oakland), City and County of San Francisco vs. City of Oakland, United States District Court for the Northern District of California, Case No. 3:24-cv-02311-TSH, dated May 9, 2024.

likely to cause confusion amongst relevant consumers.³ Since I was first retained by counsel for the City and County of San Francisco, I understand that the Port of Oakland has renamed the Oakland Airport to San Francisco Bay Oakland International Airport.

- 9. To evaluate potential confusion, I designed a survey of consumers planning to fly to Northern California in the next year. Once qualified, respondents were shown webpages depicting a search for airline tickets to "San Fran" on either Southwest Airlines or Google Flights. In the Test Group, the search results listed the "San Francisco Bay Oakland International Airport, CA – OAK," as well as San Francisco (SFO) and other destinations.⁴ Respondents in the Control Group were shown the same searches and webpages but the "San Francisco Bay Oakland International Airport, CA - OAK" was displayed as either "Oakland, CA - OAK" or "Oakland International Airport (OAK)." The Control pages represent the manner in which OAK would have appeared to consumers prior to the Port of Oakland's change in the airport name. After viewing the webpages, respondents were asked a series of questions to determine whether they believed "San Francisco Bay Oakland International Airport" was located in San Francisco, whether they believed "San Francisco Bay Oakland International Airport" is the same airport as San Francisco International Airport, and whether they believed "San Franciso Bay Oakland International Airport" is the primary airport serving the San Francisco Bay Area. I surveyed a total of 607 airline passengers. Based on the survey I conducted, I conclude the following:
 - More than half of respondents in the Test Group (58.6 percent) indicated that the "San Francisco Bay Oakland International Airport" was located in San Francisco, was the same

³ First Amended Complaint, \P 2.

⁴ This is described in greater detail in paragraph 36 below.

⁵ On the Southwest webpages.

⁶ On the Google Flights webpage(s).

airport as the San Francisco International Airport, and/or that it was the primary airport serving the San Francisco Bay Area.

- Approximately one third of respondents in the Control Group (110 of 305 respondents or 36.1 percent) indicated that the "Oakland International Airport" was located in San Francisco, that it was the same airport as the San Francisco International Airport, and/or that it was the primary airport serving the San Francisco Bay Area.
- Including a Control Group in my survey allows me to isolate the impact of the name change from potential guessing, unawareness, preconceived beliefs, and any other sources of survey "noise." The rate at which respondents in the Control Group believe "Oakland International Airport" is in San Francisco, is the same as SFO, or is the primary airport serving the San Francisco Bay area is the baseline level of confusion or confusion unrelated to the Port of Oakland's name change. I can then use this estimate to determine what share of incremental confusion would be caused by the change in the name. In this case, using the Control Group estimate to subtract, or remove, sources of guessing and noise unrelated to the name at issue yields a net total of 22.5 percent of relevant consumers who would be confused as to the location and/or association of the Oakland Airport with San Francisco/SFO.
- 10. This net results of my survey of 22.5 percent represent a substantial and meaningful estimate of confusion and I understand that "numerous courts have found likelihood-of-confusion surveys with percentage results between 10 percent and 20 percent probative of likely confusion."

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⁷ Or "Oakland, CA – OAK."

⁸ Ezell, M. G. & Sartore, A. (2022). "Survey Percentages in Lanham Act Matters," *Trademark and Deceptive Advertising Surveys: Law, Science, and Design, Second Edition*. Edited by S. Diamond and J. Swann. Chicago, IL: ABA Publishing, pp. 317-355 at p. 321.

11. The remainder of this report discusses my research and findings in detail.

IV. BACKGROUND

- 12. Plaintiff, the City and County of San Francisco ("The City"), is a municipal corporation organized under the laws of California, with its principal place of business located at City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, California 94102-4682. I understand that the City owns San Francisco International Airport ("SFO"). 10
- 13. Defendant Port of Oakland is a municipal corporation organized under the laws of the State of California, with its principal place of business at 530 Water Street, Oakland, California 94607.¹¹ The Port of Oakland, through its Board of Port Commissioners, owns and operates the Metropolitan Oakland International Airport ("Oakland Airport").¹²
- 14. I understand that the Oakland Airport has changed its name to the San Francisco Bay Oakland International Airport.¹³ Defendant claims the name change is an effort to "increase passenger traffic at its airport, create jobs, and boost economic activity in Oakland."¹⁴
- 15. Plaintiff opposes the proposed name not only because it "infringes on the City's long-standing and incontestable registered trademark name for SFO," but is also likely to cause

⁹ First Amended Complaint, ¶ 7.

¹⁰ First Amended Complaint, \P 7.

¹¹ First Amended Complaint, ¶ 8.

¹² First Amended Complaint, ¶ 8.

First Amended Complaint, ¶ 1. The name change has already taken effect in some instances. See for example, https://www.oaklandairport.com/ the homepage of the Oakland Airport, https://x.com/iflyoakland?lang=en the Twitter page of the Oakland Airport, and https://www.visitberkeley.com/directory/san-francisco-bay-oakland-international-airport/ the City of Berkeley directory (all last accessed June 12, 2024). A recent search for "San Fran" on Google Flights shows results for "San Francisco Bay Oakland International Airport" (https://www.google.com/travel/flights?tfs=CBwQAR odag0IAxIJL20vMDJfMjg2cgwIBBIIL20vMDZwdnIaHWoMCAQSCC9tLzA2cHZycg0IAxIJL20vMDJfMjg2QAFIAXA BggELCP_______wGYAQE&tfu=KgIIAw, last accessed June 12, 2024).

¹⁴ First Amended Complaint, ¶ 2.

confusion among consumers.¹⁵ Specifically, Plaintiff asserts that travelers will "very likely be confused and book tickets to the unintended airport, thinking that the 'San Francisco Bay Oakland International Airport' is SFO and arrive in the wrong place, a mistake leading to missed flights and connections, among other problems."¹⁶

V. SURVEY METHODOLOGY

- 16. In order to measure the extent to which Defendant Port of Oakland's use of "San Francisco Bay Oakland International Airport" is likely to cause confusion with Plaintiff's San Francisco International Airport, I designed and conducted a survey. The design of my research follows the generally accepted principles for the design of surveys to be used as evidence in litigation.¹⁷ In general, the design of a reliable survey requires careful attention to the following key areas:
 - The definition of the relevant population;
 - The procedures for sampling from the relevant population;
 - The survey questions used;
 - The stimuli shown to respondents; and
 - The protocol for calculating the results from the survey. 18

¹⁵ First Amended Complaint, \P 2.

¹⁶ First Amended Complaint, ¶ 3.

¹⁷ Diamond, S. S. (2011). "Reference Guide on Survey Research," *Reference Manual on Scientific Evidence*, Committee on the Development of the Third Edition of the Reference Manual on Scientific Evidence; Federal Judicial Center; National Research Council, pp. 359-423 (hereinafter, "*Diamond*").

¹⁸ The Federal Judicial Center's (2004) *Manual for Complex Litigation, Fourth Edition*, §11.493, p. 103 phrases these key areas as:

[•] the population was properly chosen and defined;

[•] the sample chosen was representative of that population;

[•] the data gathered were accurately reported; and

[•] the data were analyzed in accordance with accepted statistical principles.

17. The discussion of the survey I conducted is organized around each of these key areas.

A. Survey Population

18. I surveyed consumers who are planning to travel to Northern California in the next year. The population for this study was comprised of adults, ages 18 and older, who are planning to travel by air to Northern California in the next year and will be responsible for booking the flight. My survey focused on consumers from a set of eleven states which contain twenty airports that Oakland Airport has indicated are part of its unserved domestic markets. ¹⁹ Therefore, I sampled potential respondents from the states of Arizona, Texas, Louisiana, Illinois, Ohio, Michigan, Pennsylvania, New York, Washington DC, North Carolina, and Florida.

B. Sampling of the Relevant Population

19. I reached my survey respondents via an Internet panel, which is a standard and well-accepted method for consumer perception surveys, especially where – as here – the stimuli shown are webpages. Potential survey respondents were contacted using an Internet panel hosted by Veridata Insights ("Veridata"), an online panel and data collection services company. Veridata uses a variety of quality control measures to ensure the reliability and integrity of the responses it receives. For example, Veridata uses digital fingerprinting that creates a "fingerprint" for each respondent based on computer characteristics such as IP addresses, which can then be used to identify respondents and to exclude individuals who attempt to take the same survey more than

¹⁹ 41124 Presentation.pptx, produced by Port of Oakland under Request #24-50.

²⁰ Additional information about Veridata Insights is available on their website at https://veridatainsights.com, last accessed June 12, 2024.

²¹ Veridata Insights. (2022). "ESOMAR 37: Answers to 37 Questions to Help Buyers of Online Sample."

once. Veridata complies with the standards and ethics for online survey data panels set forth by the Insights Association.²² Veridata's standard quality control measures were applied in this study.

20. The data for this survey were collected between May 9 and June 8, 2024. Potential respondents were unaware of the purpose or topic of the survey and needed to meet the screening criteria outlined below to qualify for the survey. ²³ A total of 607 respondents qualified for and completed the survey. The complete questionnaire is provided in **Exhibit D**, and screenshots of the survey as it appeared to respondents are included as **Exhibit E**.

C. Quality Control Measures for the Survey

- 21. To ensure that my data are of the highest quality, I implemented a number of quality control measures in addition to those undertaken by Veridata:
 - a. As is standard survey practice for litigation, the survey was conducted in a "double-blind" fashion; that is, neither the staff at Veridata nor any of the respondents were aware of the survey sponsor or the ultimate intention of the survey.²⁴
 - b. Respondents were able to take the survey on a desktop, laptop, or tablet computer or a mobile/cell phone.²⁵
 - c. Respondents had to correctly answer a Google reCAPTCHA question to ensure that a person, and not a computer or "bot," was taking the survey.²⁶

²² The Insights Association is an organization representing the industry and profession of market research and analytics (https://www.insightsassociation.org/About-Us, last accessed June 12, 2024).

 $^{^{23}}$ The invitation for the survey is included in **Exhibit C** and the survey questionnaire is included in **Exhibit D**.

²⁴ *Diamond*, pp. 410-411.

²⁵ The survey was operationalized for mobile viewing and the mobile screen shots are included in **Exhibit E**.

²⁶ "reCAPTCHA protects your website from fraud and abuse without creating friction. reCAPTCHA uses an advanced risk analysis engine and adaptive challenges to keep malicious software from engaging in abusive activities on your website." (https://www.google.com/recaptcha/about/, last accessed June 12, 2024).

- d. Respondents were also required to enter their state of residence and zip code, and if these data conflicted with one another, the respondent was excluded.
- e. Respondents who indicated that they did not understand or were unwilling to adhere to the survey instructions were also screened out of the survey.
- f. As an additional quality control measure, I also removed respondents who showed a pattern of responses (e.g., "straight-lining") which may indicate a lower-quality respondent. The data were reviewed both with and without these respondents' answers, and my conclusions do not vary either way.²⁷
- g. At the conclusion of the survey, respondents were asked an industry screener question. This is typically done to ensure that respondents with potentially specialized knowledge are not affecting the overall survey results.²⁸ Respondents who indicated that they work for or have a household member who works for a market research or advertising company, a travel insurance company, a hotel or hotel booking website, an airline or airline booking website, or a rental car agency were flagged for review.²⁹ Respondents were also flagged if they indicated they did not know or were unsure whether someone in their household works for one of the types of companies listed.

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²⁷ In total, 122 respondents were removed for response patterns that indicated lower-quality data. The outcome and my conclusions do not change when these respondents are added back to the analyses. See Exhibit H.

²⁸ Barber, W G. & Yaquinto, G. E. (2022). "The Universe," *Trademark and Deceptive Advertising Surveys: Law, Science, and Design, Second Edition*. Edited by S. Diamond and J. Swann. Chicago, IL: ABA Publishing, pp. 31-56 at p. 56.

²⁹ A total of 57 respondents were flagged for potential industry involvement. The outcome and my conclusions do not change when these respondents are added back to the analyses. See **Exhibit H**.

D. Screening Questionnaire

- 22. To ensure that respondents were part of the relevant population, I asked a series of screening questions.³⁰ Only respondents who met the criteria for qualifying were able to continue with the main survey. In order to qualify, respondents had to meet the following criteria:
 - a. Be 18 years of age or older.
 - Reside in Arizona, Texas, Louisiana, Illinois, Ohio, Michigan, Pennsylvania,
 New York, Washington DC, North Carolina, or Florida.
 - c. Indicate that they were likely to travel by air to Northern California in the next year and would book the flight themselves.
- 23. All respondents were asked whether the trip to Northern California would be for business, pleasure, both, or some other reason. Respondents who indicated they didn't know or were unsure were screened out of the survey.
- 24. Respondents were also asked to indicate which airlines they would consider using for their trip to Northern California. Response options included: Alaska, Allegiant, American, Delta, Hawaiian, JetBlue, Southwest, Spirit, Sun Country, United, a private airline or plane, or "Other," in which respondents were asked to specify which. Respondents who selected "Don't know / unsure" were screened out. Respondents who indicated they would consider using Southwest for their trip were assigned to review the Southwest stimulus. Those who would not consider Southwest were assigned to the Google Flights stimulus.³¹
- 25. Respondents were next asked to indicate which of the following, if any, they are likely to do when traveling to Northern California: rent a car, book a hotel room in San Francisco,

 $^{^{30}}$ The questionnaire can be found in **Exhibit D**.

³¹ Once the quota for the Southwest stimulus was met, all remaining respondents were shown the Google Flights stimulus.

book a hotel room in another city or town, visit friends or family, visit a tourist attraction, visit clients / business partners, fly to another city / get a connecting flight, attend a professional conference, or something else.³² Respondents who indicated "Don't know / unsure" were screened out of the survey.

- 26. Respondents were also asked how often they travel by air. Response options included: once every few years, once a year, once every six months, three or four times a year, and more than five times a year.³³ In order to ensure a balance of individuals who travel by air more and less frequently, I ensured that approximately half of my respondents travel by air twice a year or less and half travel more often.³⁴
- 27. After the main survey was completed, respondents were asked some additional follow-up screening questions. All respondents were asked whether they have previously traveled by air to Northern California. Response options included Yes, No, or Don't know / unsure.³⁵ In order to ensure a balance of individuals who may or may not be familiar with the Bay Area airports, the survey implemented a quota to ensure that half of respondents had never traveled by air to Northern California.³⁶ Respondents who indicated they had flown into Northern California were asked to indicate which airport(s) they had flown into.
- 28. Respondents were next asked if they are a member of any frequent flyer / airline loyalty programs, and if so, which ones. Respondents were also asked which airports they typically

³² Response options were randomized to guard against order effects.

³³ Response options were rotated to guard against order effects. Respondents could also indicate "Other" and provide a different response or indicate "Don't know / unsure."

³⁴ My conclusions do not differ by whether a respondent travels by air more or less frequently. See Exhibit H.

³⁵ The order of responses was rotated to guard against order effects.

³⁶ The results of the survey and my conclusions do not differ by whether a respondent has traveled by air to Northern California in the past.

use when flying from their home / business to other locations. Response options included the twenty airports that Oakland has indicated are part of its unserved domestic markets.³⁷

E. Main Questionnaire

29. After answering the screening questions, qualified respondents were taken to the main questionnaire. Prior to viewing the stimulus, respondents were provided with the following set of instructions:

Please imagine you were shopping for a flight to Northern California. On the next [few pages / page] you will be shown some information you might see if you were looking to purchase a flight. Please review this information carefully. When you are finished, please select the "Continue>>" button to proceed to the next screen. Please note, [these are not live webpages / this is not a live webpage] so you cannot "click" or alter any other information on the page. [On each page, there / There] will be a brief delay before you can move forward.

- 30. Respondents were randomly assigned to see either the Test or Control version of webpages depicting a search for "San Fran" and the resulting destination options. ³⁸ After confirming they could see the information on the webpage(s) clearly, respondents moved forward in the survey.
- 31. Respondents in the Test Group were first asked, "Where do you think the San Francisco Bay Oakland International Airport is located?" and provided with a text box to enter their answer. Respondents in the Control Group were asked, "Where do you think the Oakland International Airport is located?" and were similarly provided with a text box. Respondents in both groups could also select a check box to indicate they didn't know or were unsure.

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³⁷ 41124 Presentation.pptx, produced by Port of Oakland under Request #24-50. Respondents could also indicate "None of these" or "Don't know."

³⁸ As noted above, respondents who would consider flying Southwest were assigned to Southwest stimulus, all others were assigned to the Google Flights stimulus. Once the Southwest quota was full, all remaining respondents were assigned to the Google Flights stimulus.

- 32. Next, respondents in the Test Group were asked whether they believe the San Francisco Bay Oakland International Airport is the same airport, or a different airport than the San Francisco International Airport. Respondents in the Control Group were asked the same question about the Oakland International Airport. The exact question phrasing and response options was as follows:
 - Q. Do you think the **[TEST ONLY:** San Francisco Bay] Oakland International Airport is...?³⁹
 - 1. The same airport as the San Francisco International Airport
 - 2. A different airport from the San Francisco International Airport
 - 3. Don't know / unsure
- 33. Respondents who indicated the San Francisco Bay Oakland International Airport (in the Test Group) or Oakland International Airport (in the Control Group) was the same airport as the San Francisco International Airport were skipped forward to complete the remaining screening items, as they had completed the main portion of the survey. All other respondents were asked the next question.
- 34. Respondents were next asked which airport is the primary airport serving the San Francisco Bay Area. I included this question to determine the share of respondents who may believe the "San Francisco Bay Oakland International Airport" is SFO (but who may have been unsure of the name "San Francisco International Airport"). This question also allows me to measure the extent to which the name suggests to consumers that the "San Francisco Bay Oakland International Airport" is the largest or primary airport serving the Bay Area. ⁴⁰ The response

³⁹ Response options 1 and 2 were rotated to guard against order effects.

⁴⁰ I understand that SFO is the largest airport in the Bay Area servicing an estimated 3,604 flights and 642,040 seats scheduled for July 2024. This compares to an estimated 929 flights and 146,816 seats schedule for service by OAK for the same month (Schedule_Weekly_Dynamic_Table_Report_33008.xlsx). See also, Major Airport Regions in the USA.png.

options differed according to whether the respondent was in the Test or Control Group. The exact question phrasing and response options was as follows:

- Q. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?⁴¹
- 1. [TEST ONLY: San Francisco Bay] Oakland International Airport
- 2. San Francisco International Airport
- 3. San Jose Mineta International Airport
- 4. Something else
- 5. Don't know / unsure
- 35. Following this, respondents were asked some additional screening questions (discussed above in paragraphs 27-28). After completing the survey, all respondents were thanked for their participation.

F. Stimuli Shown⁴²

- 36. To evaluate the potential for consumer confusion based on Defendant's use of the name "San Francisco Bay Oakland International Airport," I presented respondents with webpages, either from Southwest Airlines or Google Flights, depicting a search for flights with a destination of "San Fran."
- 37. In the Test Group, respondents were shown search results depicting the new name. Respondents who indicated they would consider traveling on Southwest Airlines were shown two Southwest webpages, the initial search page, and the results page. On both pages, what would have

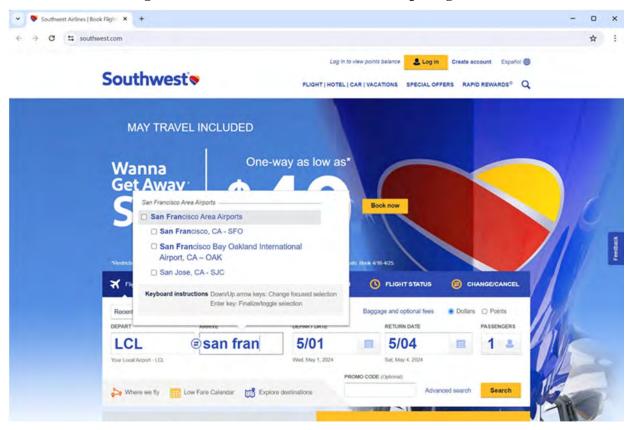
⁴¹ Response options 1 - 3 were randomized to guard against order effects.

⁴² The stimuli presented below are the webpages shown to those completing the survey on a laptop, desktop, or tablet computer. Those completing the survey on a mobile device were shown the same process as depicted on a mobile phone. Full-sized images of all stimuli are presented in **Exhibit F**.

⁴³ A search with this term will show results for all three Bay Area airports: SFO, OAK, and SJC (San Jose) and the search pages I tested are actual results from using this term.

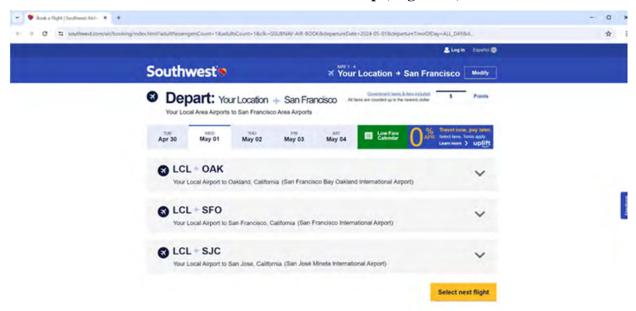
been references to Oakland, CA – OAK were changed to "San Francisco Bay Oakland International Airport, CA – OAK." 44

Figure 1. Southwest Airlines – Test Group (Page One)



⁴⁴ References to the originating airport were genericized. For example, the origin of the flight on the pages read "Your Local Airport (LCL)."

Southwest Airlines – Test Group (Page Two)⁴⁵



38. Respondents who did not select Southwest Airlines as a potential airline to consider when traveling to Northern California were instead shown a similar search on Google Flights. Here, the image was modified to include an entry for the Oakland Airport using the proposed new name. To mimic the format used by Google Flights, I also included information about the number of miles the Oakland Airport is to the destination (San Francisco).⁴⁶

⁴⁵ This image was modified to include the airport names along with the cities. For Oakland, the proposed new name was used.

⁴⁶ Including this information is conservative (i.e., helpful to Defendant) as it provides additional context about where the airport is located.

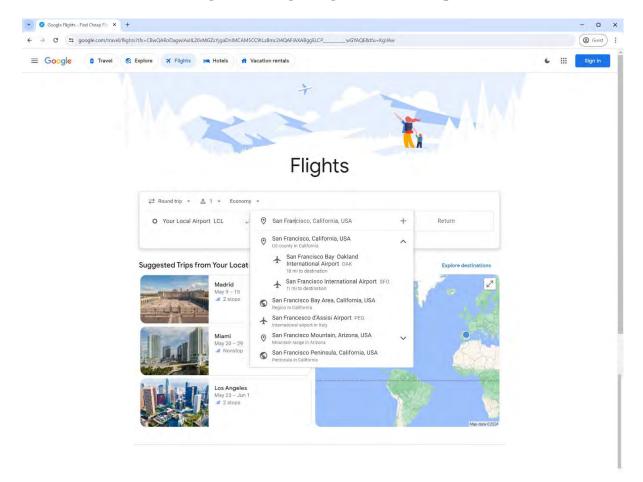


Figure 2. Google Flights – Test Group

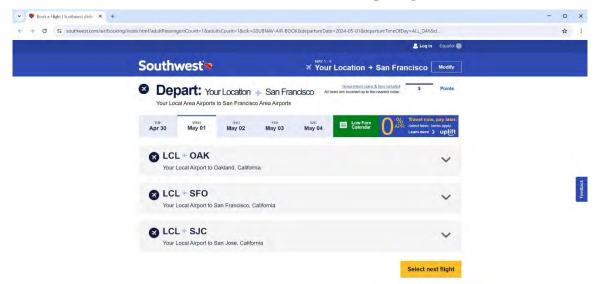
39. A survey designed to test whether the use of "San Francisco Bay Oakland International Airport" is likely to be confused or associated with San Francisco Airport may also inadvertently include survey "noise," and may generate responses that are unrelated to the specific element being tested. Responses unrelated to the specific element of the stimulus being tested (here the addition of "San Francisco Bay" to Oakland International's airport name) should be eliminated from the final calculation. To measure the extent to which such responses are affecting the desired estimate, it is standard practice for survey researchers to also measure the perceptions of a separate group of respondents using a control stimulus.

40. I have included a separate Control Group as part of my survey. As is standard and proper research practice, the control stimulus is as close to the test stimulus as possible but alters or removes the allegedly infringing material. In this case, the proper control is removing the reference to "San Francisco Bay" and reverting to the original name, Oakland International Airport. Using this as a control ensures that my estimate of confusion accounts for consumers who may generally confuse the Oakland Airport with SFO or who may assume that any airport appearing in a search for flights to "San Fran" is located in or is the primary airport for San Francisco or is SFO. For the Southwest control stimulus, I used the original webpages which displayed Oakland, CA – OAK. These images can be found below in Figure 3.



Figure 3. Southwest Airlines – Control Group (Page One)

Southwest Airlines – Control Group (Page Two)



41. The Control stimulus for the Google Flights webpage was the same as the Test image, except the name "San Francisco Bay Oakland International Airport," was modified to Oakland International Airport. This image is shown below in Figure 4.

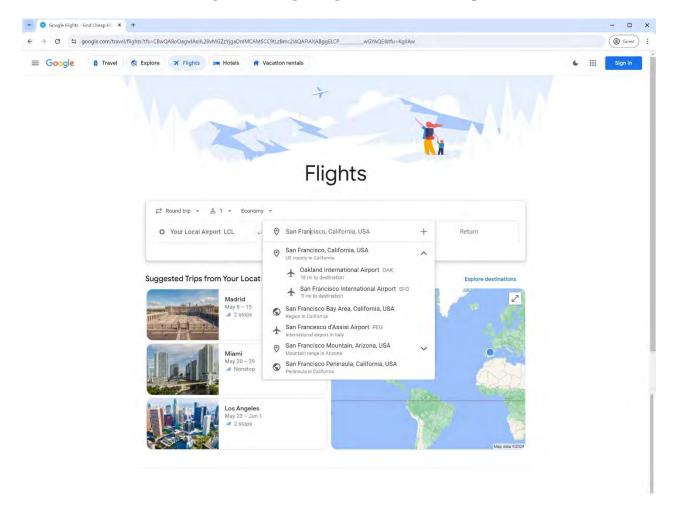


Figure 4. Google Flights - Control Group

VI. SURVEY RESULTS

42. My survey included 607 qualified respondents who indicated they are likely to travel by air to Northern California in the next year. As shown in **Table 1**, respondents represented a mix of age groups, both male and female. Slightly more respondents identified as male.⁴⁷ Respondents were sampled from eleven U.S. states (see **Table 2**).

⁴⁷ Survey invitations were click-balanced on gender and age. This means that a representative sample of adults in United States (in terms of age and gender) were sent a survey invitation and had an opportunity to qualify for the survey.

Table 1: Age and Gender Distribution

	N	Male	Female		Overall	
Age Group	Count	Percent	Count	Percent	Count	Percent
18-34	171	47.4%	107	43.7%	278	45.8%
35-54	147	40.7%	104	42.4%	252	41.5%
55+	43	11.9%	34	13.9%	77	12.7%
Total Respondents	361	100.0%	245	100.0%	607	100.0%

Note: One respondent in age group 35-54 identified as non-binary.

Source: NERA Airport Survey, May-June 2024

Table 2: Respondents' State Distribution

State	Count	Percent
New York	137	22.6%
Texas	104	17.1%
Florida	81	13.3%
Pennsylvania	53	8.7%
Ohio	52	8.6%
Illinois	43	7.1%
North Carolina	41	6.8%
Michigan	37	6.1%
Arizona	36	5.9%
Louisiana	19	3.1%
District of Columbia	4	0.7%
Total Respondents	607	100.0%

Source: NERA Airport Survey, May-June 2024

43. The vast majority of respondents indicated they would be flying to Northern California for pleasure (61.4 percent), or a mix of business and pleasure (36.7 percent). When asked what they were likely to do when traveling to Northern California, a majority of respondents indicated they would visit a tourist attraction (75.8 percent), rent a car (66.4 percent), or book a hotel room in San Francisco (59.3 percent).

44. After viewing the webpages, respondents in the Test Group were asked where they believe the "San Francisco Bay Oakland International Airport" is located, and respondents in the Control Group were asked where they believe the "Oakland International Airport" is located. In the Test Group, a total of 77 respondents (25.5 percent) indicated that the airport is located in San Francisco. 48 In the Control Group, a total of 49 respondents (16.1 percent) indicated the airport is located in San Francisco. The coding scheme ensured that the results are a conservative estimate, as responses were only coded "San Francisco" if respondents indicated San Francisco city proper, as opposed to responses indicating that the airport was located "near" San Francisco or "close to" San Francisco, etc. These results are shown below in Table 3.

Table 3. Where Respondents Think Oakland Airport is Located

		Test		ontrol	_
Coded Response ¹	Count	Percent	Count	Percent	Net Percent
San Francisco	77	25.5%	49	16.1%	9.4%
Oakland	75	24.8%	123	40.3%	
Other	102	33.8%	105	34.4%	
Don't know / unsure	48	15.9%	28	9.2%	
Total Respondents	302	100.0%	305	100.0%	_

Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?

Note: 1 A coded response of "San Francisco" includes only respondents who specifically indicated San Francisco. A coded response of "Oakland" includes only respondents who specifically indicated Oakland. Respondents who referenced San Francisco or Oakland in broader terms were conservatively coded into "Other." This includes respondents who said, "San Francisco Bay," "close to SF," "near Oakland," and includes those who mentioned other things such as "California."

Source: NERA Airport Survey, May-June 2024

⁴⁸ Only respondents who indicated the airport was located in San Francisco were counted. Respondents who indicated the airport was located near San Francisco, or near the San Francisco Bay Area were categorized as "Other."

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45. Respondents were next asked whether the [San Francisco Bay] Oakland International Airport is the same the airport as the San Francisco International Airport. In the Test Group, a total of 94 respondents (31.1 percent) believed the San Francisco Bay Oakland International Airport was the same as San Francisco International Airport. In the Control Group, 57 respondents (18.7 percent) believed the Oakland International Airport was the same as San Francisco International Airport was the same as San Francisco International Airport. These results are shown below in Table 4.

Table 4. Whether Oakland Airport is Same Airport as SFO

	Test		Control		_	
Response	Count	Percent	Count	Percent	Net Percent	
The same airport as the San Francisco	94	31.1%	57	18.7%	12.4%	
International Airport						
A different airport from the San	177	58.6%	223	73.1%		
Francisco International Airport						
Don't know / unsure	31	10.3%	25	8.2%		
Total Respondents	302	100.0%	305	100.0%		

Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?

Source: NERA Airport Survey, May-June 2024

Airport is not the same the airport as the San Francisco International Airport, or were unsure, were asked to select from a list, which airport was the primary airport serving the San Francisco Bay Area. In the Test Group, a total of 55 respondents (26.4 percent) indicated the San Francisco Bay Oakland International Airport is the primary airport serving the Bay Area. In the Control Group, 29 respondents (11.7 percent) indicated the Oakland International Airport is the primary airport serving the Bay Area. These results are shown on the next page in Table 5.

Table 5. Primary Airport Serving the San Francisco Bay

		Test	C	ontrol	
Response	Count	Percent	Count	Percent	Net Percent
[San Francisco Bay] Oakland International Airport ¹	55	26.4%	29	11.7%	14.7%
San Francisco International Airport	123	59.1%	190	76.6%	
San Jose Mineta International Airport	2	1.0%	3	1.2%	
Something else	0	0.0%	1	0.4%	
Don't know / unsure	28	13.5%	25	10.1%	
Total Respondents Asked ²	208	100.0%	248	100.0%	

Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

Notes: ¹ Respondents in the Test Group were shown the text "San Francisco Bay Oakland International Ariport" while respondents in the Control Group were shown "Oakland International Airport."

Source: NERA Airport Survey, May-June 2024

47. To estimate overall confusion, I can tabulate the unique number of respondents who indicated that the San Francisco Bay Oakland International Airport is located in San Francisco, is the same airport as SFO, or is the primary airport serving the San Francisco Bay Area. In this way, a respondent who indicated that the San Francisco Bay Oakland International Airport is located in San Francisco (Q1) and is the same airport as SFO (Q2) is only counted once. Across these three questions, a total of 177 respondents in the Test Group (58.6 percent) were confused and associated the San Francisco Bay Oakland International Airport with San Francisco/SFO. A total of 110 respondents in the Control Group (36.1 percent) associated the Oakland International Airport with San Francisco/SFO. Using the Control Group to net out survey noise and/or guessing yields a net overall confusion rate of 22.5 percent, attributable to Oakland renaming the airport to include "San Francisco Bay." These results are shown on the next page in Table 6.

² Respondents who indicated the [San Francisco Bay] Oakland International Airport is "The same airport as the San Francisco International Airport" at Q2 were not asked Q3.

Table 6. Overall Confusion Estimate

		Test		ontrol		
Response	Count	Percent	Count	Percent	Net Percent	
Confused ¹	177	58.6%	110	36.1%	22.5%	
Total Respondents	302		305			

- O1. Where do you think the [San Francisco Bay] Oakland International Airport is located?
- Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?
- Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

Note: ¹ Respondents are confused if they mentioned San Francisco City at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

Source: NERA Airport Survey, May-June 2024

- 48. To ensure my results are reliable, I conducted a series of sensitivity checks. ⁴⁹ My results are consistent between the two different stimuli (Southwest and Google Flights), more and less frequent flyers, and after removing respondents who potentially work in an industry that would potentially provide them with specialized knowledge. ⁵⁰
- 49. Additionally, I reviewed my results to examine the potential for confusion for those who have never traveled to Northern California. For consumers who are considering travel to Northern California in the next year, but who have never visited, the net rate of confusion is 27.6 percent.⁵¹

VII. CONCLUSIONS

50. I conducted a survey of 607 relevant consumers who are likely to fly to Northern California in the next year. My results demonstrate that there is a substantial likelihood of

⁴⁹ I can also tabulate the percentage of respondents who indicated that the San Francisco Bay Oakland International Airport is either located in San Francisco and/or is the same airport as SFO (i.e., recalculate confusion omitting the results from the "primary airport" question). Based on these two questions alone, I estimate a net confusion rate of 18.5 percent (139/302=46.0 percent in the Test Group and 84/305=27.5 percent in the Control Group).

⁵⁰ See Exhibit H.

⁵¹ Even amongst those who have been to Northern California in the past, the net rate of confusion is 17.4 percent, still a meaningful share of confusion. See **Exhibit H**.

confusion created by the name "San Francisco Bay Oakland International Airport," and consumers

are likely to believe this airport is located in San Francisco, is the San Francisco International

Airport, or is the primary airport serving San Francisco. My survey was carefully and

conservatively designed in that the Test pages used included Oakland International's call letters

OAK or the distance in miles to San Francisco. Even with this information, my results demonstrate

that consumers are likely to be confused by Oakland International Airport's name change to "San

Francisco Bay Oakland International Airport."

51. My opinions and conclusions as expressed in this report are to a reasonable degree

of professional and scientific certainty. My conclusions have been reached through the proper

application of survey methods, and using standard methodologies relied upon by experts in the

field of survey and market and consumer research. My opinions will continue to be informed by

any additional material that becomes available to me. I reserve the right to update and or

supplement my opinions if provided with additional information. I declare under penalty of perjury

that the foregoing is true and correct.

Sarah Butler, Senior Managing Director

June 27, 2024

Exhibit A

NERA

Economic Consulting

Sarah Butler Senior Managing Director

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SARAH BUTLER, M.A. SENIOR MANAGING DIRECTOR

Ms. Butler is an expert in survey research, market research, sampling, and statistical analysis. She has applied her expertise in a wide range of litigation and strategic business cases. Her litigation and project experience includes survey research, market research, the design of samples, and the statistical and demographic analysis of large data files in a number of areas including:

Intellectual Property

- Trademark and Trade Dress Infringement: Design, analysis, and critique of surveys used to measure consumer confusion, secondary meaning, and dilution in trademark and trade design infringement cases.
- False and Misleading Advertising: Design, analysis and critique of surveys used to measure consumer perceptions and the materiality of advertising claims.
- Patent Infringement: Sample designs and surveys to the value of patented feature of a larger product and to establish rates at which infringing material exist in populations of products.
- Copyright infringement: Sampling plans and analysis of the rates of infringing material in populations of shared information (such as through websites or other sharing medium).

Mass Torts/Class Actions

- Conduct surveys and design samples providing evidence on issues of commonality and consumers' awareness of key documents or facts and reliance on representations.
- Analyze large databases of claims files to generate invoices, estimate future liabilities and calculate policy shares for insurer liabilities in asbestos, tobacco and pharmaceuticals.
- Design, analyze and critique surveys and sampling plans used to evaluate employment and promotion records. Review and design surveys for purposes of estimating key facts

Sarah Butler

in labor class actions including time to complete activities, exempt/nonexempt activities, and meal and rest break issues.

Antitrust

- Design, analysis and critique of surveys and other market research used as evidence of consumer purchasing and switching behavior in the areas of CPG, entertainment, automobiles, public transportation, sports and consumer electronics.
- Design, analysis and critique of surveys used to demonstrate consumer price sensitivities and willingness to pay.

Prior to joining NERA, Ms. Butler worked in market research, conducting survey research, focus groups and in-depth interviews.

Education

Temple University

Applied Sociology, coursework, exams and dissertation proposal complete (2005).

Temple University

M.A. Sociology, (2000).

Trinity College, Dublin Ireland

M.Phil. (1997).

Wellesley College

B.A. Sociology and History (with honors). (1995).

Professional Experience

July 2006 - Present	Senior Consultant – Senior Managing Director
	NERA Economic Consulting

San Francisco, California, USA

Oct 2005 – May 2006 **Special Consultant**

NERA Economic Consulting

London, England

Jan 2003 – Oct 2005 **Senior Analyst - Consultant**

> **NERA** Economic Consulting Philadelphia, Pennsylvania, USA

Sarah Butler

2002 - 2003 **Consultant**

Integrated Marketing Associates

Bryn Mawr, PA, USA

Oct 1998 - Jan 2002 Research Associate – Analyst

NERA Economic Consulting Philadelphia, Pennsylvania, USA

Sept 1998 – May 2003 Adjunct Professor

Temple University

Philadelphia, Pennsylvania, USA

Jan 1997 – Feb 1998 **Manager of Member Research**

Society for Neuroscience Washington DC, USA

Expert Analysis and Testimony

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Intellectual Property Matters

<u>Applied Innovation, Inc. v. Lowery Corporation DBA Applied Innovation.*</u> United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

<u>Puma SE v. Zhang Kang.</u>* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

Headwater Research LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.* United States District Court Eastern District of Texas Marshall Division. *Rebuttal Report. Deposition*.

<u>CoStar Group, Inc. and Costar Realty Information, Inc.* v. Commercial Real Estate Exchange, Inc.</u> United States District Court Central District of California. *Rebuttal Report. Deposition.*

<u>Motiv Power Systems, Inc. v. Motive Technologies Inc.</u>* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report. Reply Report.*

<u>WEX Inc.* v. HP Inc. and Hewlett-Packard Development Company, L.P.</u> United States District Court District of Maine. *Declaration. Rebuttal Declaration*.

Proximo Spirits, Inc.* v. Green Lake Brewing Co., LLC d/b/a Fremont Brewing Co,; and Does 1-10, inclusive. United States District Court Central District of California, Western Division. *Expert Report*.

<u>Gesture Technology Partners, LLC v. Motorola Mobility LLC.</u>* United States District Court Northern District of Illinois, Eastern Division. *Rebuttal Report*.

<u>General Access Solutions, Ltd. v. Verizon Communications, Inc. et al.</u>* United States District Court Eastern District of Texas, Marshall Division. *Expert Report. Deposition*.

<u>Benefit Cosmetics, LLC v. e.l.f. Cosmetics, Inc.</u>* United States District Court Northern District of California, San Francisco Division. *Expert Report. Reply Report. Deposition*.

<u>Corephotonics, LTD v. Apple Inc.</u>* United States District Court Northern District of California. *Rebuttal Report. Deposition.*

Nutramax Laboratories, Inc. and Nutramax Laboratories Veterinary Sciences, Inc. v. Zesty Paws LLC and Health and Happiness (H&H) US International Incorporated.* United States District Court Middle District of Florida, Orlando Division. *Expert Report. Deposition. P.I. Testimony*.

<u>Blue Yonder Group, Inc.* v. Kinaxis Inc. and Kinaxis Corp.</u> United States District Court Northern District of Texas, Dallas Division. *Expert Report*.

<u>Puma SE</u>, and <u>Puma North America Inc. v. Brooks Sports, Inc.</u>* United States District Court Southern District of Indiana, Indianapolis Division. *Expert Report. Deposition*.

Class Action Matters

Miguel Frias, Jessica Avilez, and Roy Campbell, individually and behalf of all others similarly situated v. Mars Wrigley Confectionary US LLC.* United States District Court Southern District of New York. *Rebuttal Report*.

<u>Edward Pistorio et al. v. FCA US LLC.</u>* United States District Court Eastern District of Michigan. *Expert Report*.

<u>Cat Brooks and Rasheed Shabazz, individually and on behalf of all others similarly situated* v. Thompson Reuters Corporation.</u> United States District Court for the Northern District of California, San Francisco Division. *Expert Report*.

<u>Nicholas Usler, et al., v. Vital Farms, Inc., et al.</u>* United States District Court for the Western District of Texas. *Expert Report*.

William Lessin and Carol Smalley et al., on behalf of themselves and all others similarly situated v. Ford Motor Company, a Delaware corporation; and Does 1 through 10 inclusive.* United States District Court, Southern District of California. *Expert Report. Deposition*.

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Intellectual Property Matters

<u>SpaceTime3D</u>, <u>Inc. v. Apple Inc.</u>* United States District Court Western District of Texas, Austin Division. *Expert Report. Deposition*.

<u>PWNHealth, LLC d/b/a Everly Health Solutions v. Walgreen Co.</u>* American Arbitration Association Case No. 01-22-0002-4919. *Rebuttal Report. Arbitration Testimony*.

Evolve Biosystems, Inc.; and the Regents of the University of California, a corporation* v. Abbott Laboratories. United States District Court for the Northern District of Illinois, Eastern Division. *Expert Report. Deposition*.

<u>Lincare Holdings Inc. and Lincare Licensing Inc.* v. Doxo, Inc.</u> United States District Court for the Middle District of Florida Tampa Division. *Expert Report. Deposition. Reply Report.*

Revelry Vintners, LLC, v. Mackay Restaurant Management Group, Inc., Fire & Vine Holdings, LLC, and Yellowhawk Resort WW, LLC.* United States District Court Eastern District of Washington at Spokane. *Rebuttal Report*.

Macy's IP Holdings, LLC,* v. Aroma360, LLC. United States District Court Southern District of New York. *Expert Report. Reply Report*.

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Smack Apparel Company v. Seattle Hockey Partners, LLC (dba Seattle Kraken), NHL Enterprises, LP, and National Hockey League.* United States District Court Western District of Washington. *Expert Report*.

<u>Nike, Inc. v. StockX LLC.</u>* United States District Court Southern District of New York. *Rebuttal Report. Deposition.*

<u>Casa Tradición S.A. de C.V. v. Casa Azul Spirits, LLC.</u>* United States District Court Southern District of Texas, Houston Division. *Rebuttal Report. Deposition. Trial Testimony.*

<u>Tari Labs, LLC v. Lightning Labs, Inc.</u>* United States District Court Northern District of California, San Francisco Division. *Expert Report*.

Edible IP, LLC and Edible Arrangements LLC* v. 1-800-Flowers.com, Inc. and 800-Flowers, Inc. United States District Court Northern District of Georgia Atlanta Division. *Expert Report. Rebuttal Report. Deposition*.

GOLO, LLC* v. Goli Nutrition Inc. United States District Court District of Delaware. *Expert Report. Reply Report. Deposition. Trial Testimony.*

NetEase, Inc., NetEase Information Technology Corporation, and Hong Kong NetEase Interactive Entertainment Limited, v. Krafton, Inc. and PUBG Santa Monica, Inc.* Superior

Court of California, County of Alameda. Expert Report. Reply Report. Deposition. Trial Testimony.

Class Action Matters

Tamika Miller and Julianne Chuanroong, individually and on behalf of themselves, the general public, and those similarly situated, v. Travel Guard Group, Inc., AIG Travel, Inc., And National Union Fire Insurance Company of Pittsburgh, PA.* United States District Court for the Northern District of California. *Expert Report. Reply Declaration. Deposition*.

Bruce Puterbaugh v. Oorah, Inc.; Kars4Kids, LLC (Erroneously Sued Herein as Kars4Kids and J.O.Y. of Our Youth) and DOES 1-50.* United States District Court for the Central District of California. *Expert Report. Rebuttal Report. Deposition*.

<u>Tammy La Barbera v. Olé Mexican Foods, Inc.</u>* United States District Court for the Central District of California. *Rebuttal Report. Deposition*.

<u>Tamara Moore, Greta Ervin, Raff Arando, Nichols Smith, Renee Edgren, and Cynthia Welton, on behalf of themselves and all others similarly situated, v. Mars Petcare US, Inc, Hill's Pet Nutrition, Inc., and Royal Canin USA, Inc.</u>* United States District Court for the Northern District of California. *Expert Report*.

<u>Tiffany Coleman, Keli Swann, and Heather Brooke, individually and on behalf of all others similarly situated, v. Britax Child Safety Inc.</u>* United States District Court of South Carolina, Rock Hill Division. *Expert Report. Deposition*.

William Rushing and Elizabeth Perlin, individually and on behalf of all others similarly situated, v. Williams-Sonoma, Inc.* United States District Court for the Northern District of California, San Francisco Division. Expert Report. Reply Report.

<u>Kevin Shenkman v. Tesla, Inc. and DOES 1 to 50, inclusive.</u>* Superior Court of California, County of Alameda. *Expert Report. Deposition*.

Other Matters

<u>Apple Inc.* v. Masimo Corporation and Sound United, LLC; Ceracor Laboratories, Inc.</u> United States District Court for the District of Delaware. *Rebuttal Report. Deposition*.

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<u>Moxie Pest Control* v. Kyle Nielsen, et.al.</u> United States District Court for the District of Utah, Central Division. *Expert Report. Reply Report. Deposition*.

<u>AliveCor, Inc. v. Apple Inc.</u>* United States District Court Northern District of California. *Expert Report. Deposition*.

2022

Intellectual Property Matters

Sports Marketing Monterrey Group, LLC* v. Socios Services US Inc., and Mediarex Enterprises Limited. United States District Court for the Northern District of California, San Francisco Division. *Declaration. Reply Declaration.*

<u>Xerox Corporation (USA) v. Fujifilm Business Innovation Corp. (formerly known as Fuji Xerox Co., Ltd.) (Japan).</u>* International Court of Arbitration of the International Chamber of Commerce. *Expert Report*.

<u>F21 OPCO, LLC* v. AIRWAIR INTERNATIONAL LTD.</u> United States District Court for the Central District of California, Western Division. *Expert Report. Rebuttal Report. Deposition.*

<u>Florida Virtual School v. K12 Inc., and K12 Florida LLC.</u>* United States District Court Middle District of Florida Orlando Division. *Expert Report. Deposition*.

<u>ImprimisRX, LLC* v OSRX, Inc.; Ocular Science, Inc.,</u> United States District Court Southern District of California. *Expert Report. Deposition*.

WSOU Investments, LLC d/b/a Brazos Licensing and Development v. Dell Technologies, Inc., Dell Inc., and EMC Corporation.* (Case No. 6:20-cv-473-ADA). United States District Court Western District of Texas Waco Division. *Expert Report. Deposition*.

<u>Bluebonnet Internet Media Services, LLC* v. Pandora Media, LLC.</u> United States District Court Western District of Texas Waco Division. *Expert Report*.

<u>In re Application of Wine.com LLC.</u>* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

<u>Bilt Technologies, Inc. v. BILT, Inc.</u>* United States District Court for The Southern District of New York. *Expert Report. Rebuttal Report. Deposition*.

<u>Sazerac Brands, LLC* v. Eagle Trace Brewing Company LLC.</u> United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

<u>UV RML NL ASSETS LLC* v. Coulter Ventures LLC.</u> United States District Court Central District of California. *Expert Report. Rebuttal Report.*

<u>Tortilla Factory, LLC v. GT's Living Foods, LLC.</u>* United States District Court for The Central District of California. *Expert Report. Trial Testimony*.

<u>Sazerac Brands, LLC* v. Buffalo City Distillery, LLC.</u> United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report. Deposition*.

<u>Thrive Natural Care, Inc. v. Le-Vel Brands, LLC.</u>* United States District Court Central District of California, Southern Division. *Expert Report. Deposition*.

Crystal Lagoons U.S. Corp and Crystal Lagoons Technologies, Inc. v. Desert Color Manager LLC, Desert Color St. George LLC, AJ Construction, Inc., Cole West Home LLC, Holmes Homes, Inc., Sullivan Homes LLC, and Pacific Aquascape International, Inc.* United States District Court District of Utah, Central Division. *Expert Report*.

<u>Sazerac Brands, LLC,* v. Buffalo Chip Campground, LLC.</u> United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

Nichino America, Inc., v. Valent U.S.A., LLC.* United States District Court District of Delaware. *Expert Report. Reply Report. Deposition*.

<u>Promotion in Motion Inc.,* v. The J.M. Smucker Company.</u> United States District Court District of New Jersey. *Rebuttal Report*.

<u>Chartwell Studio Inc., v. Team Impressions, Inc., and The Peel People, LLC.*</u> United States District Court Northern District of Illinois Eastern Division. *Rebuttal Report. Deposition.*

Brooks Sports, Inc.* v. SPARC Group, LLC, Authentic Brands Group LLC, BB IPCO, LLC, BB OPCO, LLC., Simon Property Group, Inc., Simon Property Group, L.P. United States District Court Western District of Washington at Seattle. *Expert Report*.

Shanghai Zhenglang Technology Co., Ltd,* v. Mengku Technology Co., Ltd, and Qianan Li. United States District Court Eastern District Of New York. *Rebuttal Report*.

<u>Harman International Industries, Inc.,* v. Jem Accessories, Inc.</u> United States District Court for the Central District of California. *Expert Report*.

<u>PepsiCo* v. Rockstar Industries, LLC.</u> United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

<u>EBIN New York v. SIC Enterprise, Inc.</u>* United States District Court Eastern District of New York. *Expert Report. Rebuttal Report. Deposition.*

<u>Aqua Connect, Inc. and Strategic Technology Partners, LLC. v. TeamViewer US, LLC.</u>* United States District Court District of Delaware. *Expert Report. Deposition. Trial Testimony.*

R80 LLC* v. Société des Produits Nestlé S.A., et al. United States District Court District of Maryland Southern Division. *Expert Report. Rebuttal Report*.

<u>H&R Block, Inc.,* and HRB Innovations, Inc. v. Block, Inc.</u> United States District Court Western District of Missouri. *Rebuttal Declaration. Reply Declaration. Expert Report.*

Vans, Inc. and VF Outdoor, LLC v. Walmart, Inc., The Doll Maker, Inc., and Trendy Trading, LLC.* United States District Court Central District of California Southern Division. *Declaration*.

Warner Bros. Entertainment Inc. v. Brian Biggs, Dawn Biggs, and Random Tuesday, Inc. et al.* United States District Court Central District of California. Expert Report. Deposition.

Class Action Matters

<u>Ann Kenney, individually v. Fruit of the Earth, Inc., CVS Pharmacy, Inc.*</u> United States District Court Southern District of California. *Expert Report*.

Holly Blaine Vanzant, and Sherry Nevius, on behalf of themselves and all others similarly situated v. Hill's Pet Nutrition, Inc. and PetSmart, LLC.* United States District Court for the Northern District of Illinois. *Expert Report. Deposition*.

<u>In re: National Football League Sunday Ticket Antitrust Litigation.</u> United States District Court Central District of California. *Expert Report. Deposition. Rebuttal Report. Expert Report. Rebuttal Report. Deposition.*

<u>Kimberly Banks and Carol Cantwell v. R.C. Bigelow, Inc., and Does 1 through 10.</u>* United States District Court Central District of California. *Rebuttal Report. Deposition*.

<u>Mocha Gunaratna and Renee Camenforte v. Dr. Dennis Gross Skincare, LLC.</u>* United States District Court Central District of California. *Expert Report. Deposition*.

<u>Paul Orshan, Christopher Endara, David Henderson, and Steven Neocleous, v. Apple Inc.*</u> United States District Court Northern District of California. *Expert Report. Deposition*.

<u>Elizabeth Maisel v. S. C. Johnson, Inc.</u>* United States District Court Northern District of California. *Expert Report*.

Other Matters

<u>United States ex rel. Terrence Barrett, and on behalf of various States* v. Allergan, Inc.</u> United States District Court Central District of California. *Expert Report*.

<u>2021</u>

Intellectual Property Matters

Power Home Remodeling Group, LLC* v. Power Home Solar LLC d/b/a Powerhome Solar, also d/b/a Powerhome Solar & Roofing, also d/b/a Power Home Solar and Roofing. United States District Court Eastern District of Pennsylvania. *Expert Report*.

<u>Honda Motor Co., LTD., v. Microsoft Corporation.</u>* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

Kaifi LLC v. T-Mobile US, Inc.; LAYER3 TV, Inc.; L3TV Dallas Cable System, LLC; METROPCS Texas, LLC; T-Mobile License LLC; T-Mobile USA, INC.; T-Mobile West LLC; T-Mobile West Tower LLC; IBSV LLC; Theory Mobile, Inc.; T-Mobile PCS Holdings LLC; T-Mobile Resources Corporation; and T-Mobile Subsidiary IV Corporation.* United States District Court Eastern District of Texas Marshall Division. *Expert Report. Deposition*.

Premier Specialty Brands LLC, d/b/a Kamado Joe v. Dansons US, LLC and Dansons, Inc. d/b/a Louisiana Grills.* United States District Court for the Northern District of Atlanta, Georgia Division. Expert Report. Deposition.

<u>Crocs, Inc.* v. Effervescent, Inc. et. al.</u> United States District Court for the District of Colorado. Expert Report. Deposition.

<u>Theia Technologies LLC v. Theia Group, Inc. and Theia Holdings A, Inc.</u>* United States District Court for the Eastern District of Pennsylvania. *Expert Report*.

<u>Lambda Labs, Inc.* v. Lambda Inc.</u>* United States District Court for the Northern District of California Oakland Division. *Expert Report*.

Storage Cap Management LP* v. Robarco, Inc. and SpareSpace Storage, LLC. United States District Court for the Southern District of Ohio Eastern Division. *Expert Report. Deposition*.

<u>Clear Imaging Research, LLC v. Samsung Electronics Co. LTD and Samsung Electronics America.* Expert Report. Deposition.</u>

<u>Patagonia, Inc. and Patagonia Provisions, Inc. v. Anheuser-Busch, LLC dba Patagonia Brewing Co.*</u> United States District Court for the Central District of California Western Division, Los Angeles. *Expert Report*.

<u>In the Matter of Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same.</u> United States International Trade Commission, Washington DC. *Expert Report. Deposition. Trial Testimony.*

<u>Vivint Inc.* v. Alarm.com.</u> United States District Court for the District of Utah. *Expert Report. Deposition.*

Class Action Matters

Kristen Schertzer, Meagan Hicks, Brittany Covell* v. Bank of America, N.A., Cardtronics, Inc., FCTI, Inc., Cash Depot, Ltd. And DOES 1-50. United States District Court Southern District of California. *Expert Report. Deposition*.

Warren Gross, Deborah Levin, Shelby Cooper, and Edward Buchannan v. Vilore Foods Company, Inc., Arizona Canning Company, LLC.* United States District Court Southern District of California. *Expert Report. Rebuttal Report. Deposition*.

Scott and Rhonda Burnett, Ryan Hendrickson, Jerod Breit, Scott Trupiano, and Jeremy Keel v. The National Association of Realtors, Realogy Holdings Corp., Homeservices of America, Inc., BHH Affiliates, LLC, HSF Affiliates, LLC, Re/Max LLC, and Keller Williams Realty, Inc.* United States District Court for the Western District of Missouri, Western Division. *Expert Report*.

<u>In re: Marriott International, Inc., Customer Data Security Breach Litigation.</u> United States District Court of Maryland, Southern Division. *Expert Report. Deposition.*

<u>Christopher Julian et. al. v. TTE Technology, Inc., dba TCL North America.</u>* United States District Court for the Northern District of California. *Expert Report*.

<u>Kaylan Morris</u>, et. al. v. Walmart Inc., f/k/a/ Wal-mart Stores Inc.* United States District Court, Northern District of Alabama, Southern Division. *Expert Report. Deposition. Class Certification Testimony*.

Ricardo R. Garcia, Duane K. Glover, Paul E. Jacobson, Gaetano Calise, Mykhalo I. Holovatyuk, Brian Garcia, Paul Thompson, and David Hartman* v. Volkswagen Group of America, Inc. a/k/a Audi of America, Inc. and Volkswagen Aktiengesellschaff. United States District Court for the Eastern District of Virginia, Alexandria Division. *Expert Report. Deposition*.

<u>Charles Tillage and Joseph Loomis* v. Comcast Corporation and Comcast Cable</u>
<u>Communications, LLC and Does 1-20.</u> United States District Court for the Northern District of California, San Francisco Division. *Expert Report*.

<u>Kathleen Ryan-Blaufuss, Cathleen Mills, and Khek Kuan v. Toyota Motor Corporation, Toyota Motor Sales, U.S.A., INC., and DOE Defendants 1-10.</u>* United States District Court for the Central District of California, Western Division. *Expert Report. Deposition.*

H. Cristina Chen-Oster, Shanna Orlich, Allison Gamba, and Mary De Luis* v. Goldman Sachs & Co. and The Goldman Sachs Group, Inc. United States District Court for the Southern District of New York. *Expert Report. Deposition*.

Michael Testone, Collin Shanks, and Lamartine Pierre, et. al., v. Barlean's Organic Oils, LLC.* United States District Court Southern District of California. *Expert Report. Deposition*.

<u>Susan Wang Rene Lee v. StubHub, Inc.</u>* Superior Court of the State of California for the County of San Francisco. *Expert Report*.

Michael Madea and Rick Smith, et. al, v. Kennedy Endeavors, Inc.* United States District Court for the District of Hawai'i. *Expert Report. Deposition*.

<u>Shelly Benson and Lisa Caparelli, et. al, v. Newell Brands, Inc.</u>* United States District Court for the Northern District of Illinois. *Expert Report. Deposition*.

<u>Thomas Bailey, et. al, v. Rite Aid Corporation.</u>* United States District Court for the Northern District of California. *Expert Report. Deposition*.

2020

Intellectual Property Matters

What A Smoke, LLC v. Duracell U.S. Operations, Inc.* United States District Court District of New Jersey. *Expert Report. Deposition*.

Nirvana LLC v. Marc Jacobs International LLC.* United States District Court Central District of California. *Expert Report. Deposition*.

<u>Girl Scouts of the United States of America* v. Boy Scouts of America.</u> United States District Court Southern District of New York. *Expert Report. Deposition*.

American Dairy Queen Corporation v. W. B. Mason Co. Inc.* United States District Court for the District of Minnesota. *Expert Report. Deposition. Trial Testimony*.

<u>Seven Networks, LLC v. Apple Inc.</u>* United States District Court for the Eastern District of Texas Marshall Division. *Expert Report. Deposition*.

New NGC, Inc. d/b/a National Gypsum Company, NGC Industries, LLC, and National Gypsum Properties,* LLC v. Alpinebay, Inc. Expert Report. Deposition. Trial Testimony.

Glaxo Group Limited* v. Respirent Pharmaceuticals Co., LTD. United States District Court Southern District of New York. Expert Report.

Kaifi LLC v. AT&T Inc.; AT&T Corp.; AT&T Communications, LLC; AT&T Mobility, LLC; and AT&T Services, Inc.* United States District Court Eastern District of Texas Marshall Division. *Expert Report. Deposition*.

<u>CFA Institute v. American Society of Pension Professionals & Actuaries, et. al.</u>* United States District Court for the Western District of Virginia, Charlottesville Division. *Expert Report. Deposition*.

Match Group LLC* v. Bumble Trading Inc., Bumble Holding, LTD., Badoo Trading Limited, Magic Lab Co., Worldwide Vision Limited, Badoo Limited, Badoo Software Limited, and Badoo Technologies Limited. United States District Court for the Western District of Texas, Waco Division. Expert Report. Deposition.

ClearPlay, Inc. v. Dish Network, L.L.C. and Echostar Technologies, L.L.C.* United States District Court, District of Utah, Central Division. Expert Report.

Class Action Matters

Vicky Maldonado, et. al., v. Apple, Inc.* United States District Court, Northern District of California, San Francisco Division. Expert Report. Deposition.

Jason DeCarlo v. Costco Wholesale Corporation and MBNR.* United States District Court Southern District of California. Expert Report.

Javier Cardenas et al., Plaintiffs v. Toyota Motor Corporation et al., Defendants.* United States District Court Southern District of Florida. Expert Report. Deposition. Trial Testimony.

Brian Gozdenovich et al., v. AARP Inc., AARP Services, Inc., AARP Insurance Plan, UnitedHealth Group, Inc., and UnitedHealthCare Insurance Company.* United States District Court District of New Jersey. Expert Report.

Barbara Lewis, et al., v. Rodan & Fields, LLC.* United States District Court Northern District of California Oakland Division. Expert Report. Deposition.

Austin Rugg v. Johnson & Johnson Consumer Inc.* United States District Court Norther District of California San Jose Division. Expert Report.

Caryn Gorzo, et al., v. Rodan & Fields, LLC.* The Superior Court of California County of San Francisco. Expert Report.

Toya Edwards and Jamal Erakat, et al., v. Walmart, Inc.* United States District Court, Central District of California. Expert Report. Deposition.

Ohio State Troopers Association, Inc., et al., & Miguel Porras v. Point Blank Enterprises, Inc.* United States District Court, Southern District of Florida. Expert Report. Deposition.

Other Matters

TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Strum Foods, Inc.,* v. Keurig Green Mountain, Inc. United States District Court for the Southern District of New York. Expert Reports. Deposition.

2019

Intellectual Property Matters

Sazerac Brands, LLC* v. Bullshine Distillery, LLC. In the United States Patent and Trademark Office Before the Trademark and Trial Appeal Board. Opposition No. 91227653. Expert Report. Deposition.

X One* v. Uber Technologies, Inc. United States District Court Northern District of California. Expert Report. Deposition.

NIKE, Inc. v. Skechers U.S.A., Inc.* United States District Court, Central District of California. Expert Report. Deposition.

Vital Pharmaceuticals, Inc. v. Monster Energy Company and Reign Beverage Company, LLC.* United States District Court Southern District of Florida. Expert Report. Deposition.

Mahindra & Mahindra, Ltd. and Mahindra Automotive North America, Inc.* v. FCA US LLC. United States District Court, Eastern District of Michigan. Expert Report. Deposition. ITC Trial Testimony.

Rex Real Estate I., L.P., v. Rex Real Estate Exchange, Inc.* United States District Court for the Eastern District of Texas, Sherman Division. Expert Report.

adidas America, Inc., et al. v. Forever 21 Inc., et al.* United States District Court District of Oregon Portland Division. Expert Report.

Lodestar Anstalt v. Bacardi & Company Limited, Bacardi U.S.A., Inc., and Bacardi Limited.* United States District Court Central District of California, Western Division. Expert Report. Deposition.

Class Action Matters

Paul Stockinger et al. v. Toyota Motor Sales, U.S.A., Inc.* United States District Court Central District of California. Expert Report. Deposition.

Thomas Allegra, et. al.* v. Luxottica Retail North America, d/b/a LensCrafters, United States District Court, Eastern District of New York, Brooklyn Division. Expert Report. Deposition.

Collin Shanks v. Jarrow Formulas, Inc.* United States District Court Central District of California. *Expert Report*.

Crystal Hilsley vs. Ocean Spray Cranberries, Inc.*, Arnold Worldwide LLC. United States District Court Western District Southern District of California. Expert Report. Deposition.

Erin Allen et al. v. Conagra Foods Inc.* United States District Court Northern District of California San Francisco Division. Expert Report. Deposition.

Riley Johannessohn, Daniel C. Badilla, James Kelley, Ronald Krans, Kevin R. Wonders, William Bates, James Pinion* v. Polaris Industries, Inc. United States District Court District of Minnesota. *Expert Report. Deposition*.

Other Matters

<u>In re: Windstream Holdings, Inc., et al., Debtors. Windstream Holdings Inc., et. al.* v. Charter Communications, Inc. and Charter Communications Operating, LLC.</u> United States Bankruptcy Court, Southern District of New York. Chapter 11, Case No. 19-22312 (RDD). *Expert Report*.

<u>Belcher Pharmaceuticals, LLC v. Hospira, Inc.</u>* United States District Court for the Middle District of Florida, Tampa Division. *Expert Report. Deposition*.

<u>State of Washington* v. TVI, INC., d/b/a Value Village.</u> State of Washington King County Superior Court. *Expert Report. Deposition. Trial Testimony.*

<u>Obagi Cosmeceuticals LLC* v. ZO Skin Health, Inc. and Zein E. Obagi, M.D.</u> JAMS Arbitration Proceeding. *Expert Report. Deposition. Arbitration Testimony*.

James Pudlowski, Louis C. Cross, III, Gail Henry, Steve Henry v. St. Louis Rams, LLC, St. Louis Rams Partnership, ITB Football Company, LLC.* Expert Report.

People of the State of California vs. The Hertz Corporation, American Traffic Solutions, Inc., ATS Processing Services, L.L.C., American Traffic Solutions Consolidated, L.L.C., PlatePass, L.L.C.* Deposition.

<u>2018</u>

Intellectual Property Matters

<u>Spangler Candy Company vs. Tootsie Roll Industries, LLC.*</u> United States District Court Northern District of Ohio Western Division Toledo. *Expert Report. Deposition*.

American Automobile Association of Northern California, Nevada & Utah and A3 Mobility LLC v. General Motors LLC and Maven Drive LLC.* United States District Court Northern District of California San Jose Division. *Expert Report. Deposition*.

Merck & Co., Inc., and Merck Sharp & Dohme Corp. v. Merck KGaA*. United States District Court District of New Jersey. *Expert Report. Deposition*.

MZ Wallace Inc. v. Sue Fuller, d/b/a/ The Oliver Thomas, and Black Diamond Group, Inc.* United States District Court Southern District of New York. *Expert Report. Deposition*.

Newmark Realty Capital, Inc.* v. BCG Partners, Inc. United States District Court Northern District of California San Jose Division. *Expert Report. Deposition*.

<u>Advice Interactive Group, LLC* v. Web.Com Group, Inc.</u> United States District Court for the Middle District of Florida Jacksonville Division. *Expert Report. Deposition.*

Global Brand Holdings, LLC* v. Church & Dwight Co., Inc. United States District Court Southern District of New York. *Expert Report. Deposition*.

<u>Forever 21, Inc.* v. Gucci America, Inc., and Guccio Gucci S.p.A.</u> United States District Court Central District of California Western Division. *Expert Report. Deposition*.

<u>Masterbuilt Manufacturing, LLC v. Wal-Mart Stores, Inc.</u>* United States District Court for the Middle District of Georgia Columbus Division. *Expert Report. Deposition*.

<u>Strategic Partners, Inc.* v. Koi Design, LLC.</u> United States District Court Central District of California. *Expert Report*.

<u>Hard Rock Café International (USA), Inc., and Tarsadia Hotels v. RockStar Hotels, Inc.</u>* United States District Court for the Southern District of Florida Fort Lauderdale Division. *Expert Report*.

Ghostbed, Inc. and Werner Media Partners, LLC d/b/a Nature's Sleep, LLC v. Casper Sleep, Inc., Red Antler, LLC and ICS, Inc.* United States District Court for the Southern District of Florida. *Expert Report. Deposition*.

Class Action Matters

<u>Kaylee Browning and Sarah Basile v. Unilever United States, Inc.</u>* United States District Court Central District of California. *Expert Report. Deposition*.

<u>Scott R. Bernard v. Public Power, LLC.*</u> In the Circuit Court of Cook County, Illinois County Department, Chancery Division. *Expert Report*.

<u>Kristian Zamber v. American Airlines, Inc.</u>* United States District Court Southern District of Florida Miami Division. *Expert Report. Deposition*.

<u>Thomas Blitz v. Monsanto Company.</u>* United States District Court Western District of Wisconsin. *Expert Report. Deposition*.

Other Matters

<u>State of Washington* v. Johnson & Johnson, Ethicon, Inc. Ethicon US, LLC</u>. King County Superior Court State of Washington. *Expert Report*.

Steven A. Conner DPM, P.C. v. Optum 360, LLC.* United States District Court Eastern District of Pennsylvania. *Expert Report. Deposition*.

<u>State of Washington* v. Comcast Cable Communications Management, LLC, et. al.</u> State of Washington King County Superior Court. *Expert Report. Deposition. Trial Testimony*.

<u>Josephine James Edwards v. Hearst Communications, Inc.</u>* United States District Court for the Southern District of New York. *Expert Report. Deposition*.

2017

Intellectual Property Matters

<u>Shelia Dashnaw, et. al. v. New Balance Athletics, Inc.</u>* United States District Court Southern District of California. *Expert Report. Deposition*.

<u>Tri-Union Seafoods, LLC v. Otis McAllister, Inc.</u>* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report*.

<u>Michael Kors, L.L.C.* v. Chunma USA, Inc.</u> United States District Court Central District of California. *Expert Report. Deposition*.

<u>Weems Industries, Inc. v. Plews, Inc.</u>* United States District Court for Northern District of Iowa, Cedar Rapids Division. *Expert Report. Deposition*.

Mars Incorporated and Mars, Petcare US, Inc. v. The J. M. Smucker Company and Big Heart Pet, Inc.* United States District Court for the Eastern District of Virginia. *Expert Report. Deposition*.

<u>Professional Liability Insurance Services, Inc. v. U.S. Risk, Inc. and Crystal Jacobs.</u>* United States District Court for Western District of Texas, Austin Division. *Expert Report. Deposition*.

<u>Luxe Hospitality Company, Inc.* v. SBE Entertainment Group.</u> United States District Court Central District of California. *Expert Report. Deposition*.

Class Action Matters

<u>Martin Schneider, et. al. v. Chipotle Mexican Grill, Inc.</u>* United States District Court Northern District of California. *Expert Report. Deposition*.

<u>Trevor Singleton et. al. v. Fifth Generation, Inc. d/b/a Tito's Handmade Vodka.</u>* United States District Court for the Northern District of New York. *Expert Report. Deposition*.

Other Matters

<u>State of Arizona v. Volkswagen AG, et. al.</u>* Superior Court of the State of Arizona – Maricopa County. *Expert Report*.

<u>ADT LLC</u>, and <u>ADT US Holdings</u>, <u>Inc.</u>, v. <u>Vivint</u>, <u>Inc.</u>* United States District Court Southern District of Florida Palm Beach Division. *Expert Report. Deposition*.

* Retaining party

Publications and Presentations

NABE Panel – "Hypothetical Case for Challenge Panel: Using Surveys to Estimate the Value of Features in a Bundled Product." National Association for Business Economics Transfer Pricing Symposium, Washington, DC (July 2023).

"Examining the Confusion Survey Threshold in Trademark Cases." Debevoise and Plimpton Webinar, with David Bernstein and Christopher Ford (March 2022).

FDLI Panel – "Consumer Perceptions in Class Actions: Plaintiff Surveys, Defendant Surveys, and Everything in Between." Food and Drug Law Institute Food Advertising, Labeling, and Litigation Conference (September 2021).

"A tale of two cups: Acquired distinctiveness and survey evidence before the TTAB." (May-June 2020), with Healey Whitsett. *The Trademark Reporter*.

"Survey response bias and the 'privacy paradox': Evidence from a discrete choice experiment." (May, 2020), with Garrett Glasgow and Samantha Iyengar in *Applied Economics Letters*. DOI: 10.1080/13504851.2020.1770183.

NAD Panel – "Consumer Perception Survey Design Safeguards & Pitfalls." National Advertising Division Annual Meeting, New York, NY (September, 2019).

INTA Panel – "Surveys in the Brave New World: Designing and Using Survey Evidence in the Age of Online Shopping, Influencers and Hashtags." Annual Meeting, Boston MA (May, 2019).

"The value of non-personally identifiable information to consumers of online services: evidence from a discrete choice experiment," (2016) with Garrett Glasgow in *Applied Economics Letters*, DOI: 10.1080/13504851.2016.1197357.

"Using Survey Methods to Demonstrate the Value of Personal Information and Privacy" (May 2015) *Panel on Privacy, Security and IRBs – American Association for Public Opinion Research*, Annual Meeting, Hollywood Florida.

"Battle of the Experts—Deploying the Proper Scientific Methodology for Supporting or Challenging Claims" (March 13, 2015) invited panelist at the *Advanced Forum on Resolving & Litigating Advertising Disputes*.

"Effective Use of Surveys in Trademark Litigation," (August, 2014) *Knowledge Group Webinar*.

"The Use of Statistical Sampling Post-Duran," (August, 2014) Law360.

- "The Value of Personal Information to Consumers of Online Services: Evidence from a Discrete Choice Experiment," (June 19, 2014). National Economic Research, Inc.
- "An assessment of the nonmarket benefits of the Water Framework Directive for households in England and Wales," with Metcalfe, Baker, Andrews, Atkinson, Bateman, Carson, East, Gueron, Sheldon and Train in Water Resources Research, 48:W10516. (Paper awarded Editor's Choice Award for 2013).

ABA Webinar "The Use of Surveys in Advertising Substantiation" (June 23, 2011).

- "Meeting the New Standards for Reasonable Royalties," (February, 2011) with Mario Lopez. Law360.
- "Survey Evidence in False Advertising Cases," (Winter, 2010). The Antritrust Trial Practice Newsletter.
- "The Use of Surveys in Litigation: Recent Trends," (April, 2010) with Kent Van Liere. National Economic Research Associates, Inc.
- "Emerging Issues in the Use of Surveys in Trademark Infringement on the Web," with Kent Van Liere. Paper published in the Advanced Trademark & Advertising Law Conference proceedings, September 2007, Seattle, WA.
- "An Analysis of the Hypothetical Situations in Willingness to Pay Studies." Paper presented at the July 2006 Thematic Seminar "Quality Criteria in Survey Research," hosted by World Association for Public Opinion Research, Lake Como, Italy.
- "Use of Surveys in Intellectual Property Disputes," (2005) with Eugene P. Ericksen, in *Economic* Approaches to Intellectual Property Policy, Litigation and Management Issues, Gregory K. Leonard and Lauren J. Stiroh (eds.) National Economic Research Associates, Inc.
- "Response Rate Standards: Lessons from the 2004 Presidential Polls." Paper presented at the 2005 Annual Meeting of American Association of Public Opinion Research, Miami Beach, FL.
- "Using Surveys to Determine Damages in Patent Infringement Cases" presented at Calculating and Proving Patent Damages workshop, March 2004 Charlotte, NC.
- "Using Surveys to Determine Damages in Patent Infringement Cases" presented at *Calculating* and Proving Patent Damages workshop, January 2004 San Diego, CA.
- "Using Surveys to Determine Damages in Patent Infringement Cases" presented at Calculating and Proving Patent Damages workshop, June 2003, McLean, VA.

Sarah Butler

Professional Associations

Member, American Association of Public Opinion Research and World Association for Public Opinion Research, Member, American Statistical Association, Member, American Bar Association, Intellectual Property Section, Member, International Trademark Association (INTA), Reviewer for *Trademark Reporter*, Member, American Marketing Association.

Exhibit B

Exhibit B

Materials Considered

Court Documents

- Answer to Complaint and Counterclaim of Defendant City of Oakland, a Municipal Corporation, Acting by and through its Board of Port Commissioners (Port of Oakland), *City and County of San Francisco vs. City of Oakland*, United States District Court for the Northern District of California, Case No. 3:24-cv-02311-TSH, dated May 9, 2024.
- First Amended Complaint for Trademark Infringement, Unfair Competition/False Designation of Origin, and Common Law Trademark Infringement, *City and County of San Francisco vs. City of Oakland*, United States District Court for the Northern District of California, Case No. 3:24-cv-02311-TSH, dated May 3, 2024.

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- Diamond, S. S. (2011). "Reference Guide on Survey Research," *Reference Manual on Scientific Evidence*, Committee on the Development of the Third Edition of the Reference Manual on Scientific Evidence; Federal Judicial Center; National Research Council, pp. 359-423.
- Ezell, M. G. & Sartore, A. (2022). "Survey Percentages in Lanham Act Matters," *Trademark and Deceptive Advertising Surveys: Law, Science, and Design, Second Edition.* Edited by S. Diamond and J. Swann. Chicago, IL: ABA Publishing, pp. 317-355.
- The Federal Judicial Center (2004). *Manual for Complex Litigation, Fourth Edition*, §11.493, p. 103.

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- https://www.google.com/travel/flights?tfs=CBwQARodag0IAxIJL20vMDJfMjg2cgwIBBII L20vMDZwdnIaHWoMCAQSCC9tLzA2cHZycg0IAxIJL20vMDJfMjg2QAFIAXABggEL CP_____wGYAQE&tfu=KgIIAw
- https://www.insightsassociation.org/About-Us
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- https://www.visitberkeley.com/directory/san-francisco-bay-oakland-international-airport/
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Other Documents

- 41124 Presentation.pptx
- Schedule_Weekly_Dynamic_Table_Report_33008.xlsx
- Major Airport Regions in the USA.png
- Veridata Insights. (2022). "ESOMAR 37: Answers to 37 Questions to Help Buyers of Online Sample."

Exhibit C





Hi [FIRST_NAME],

BizKnowledge has a new paid opportunity for you to share your views, earn rewards, and help shape the future.

Spaces are limited! Please click on the Start Survey button below.

Start Survey

Project Information			
Estimated Survey Length	[LOI]		
Rewards	[POINTS]		
Mobile Friendly	Yes		
Tablet Friendly	Yes		
Desktop / Laptop Friendly	Yes		

Exhibit D

Airport Survey

SAMPLE:

- Target: Gen Pop 18+
- N = 600
- Click-balance on age and gender
- Qual: Respondents who are considering travel to Northern California in next year
- Target 20 domestic markets states of Arizona, Texas, Louisiana, Illinois, Ohio, Michigan, Pennsylvania, New York, Washington DC, North Carolina, and Florida.

[EACH QUESTION WILL BE DISPLAYED ON ITS OWN PAGE, UNLESS OTHERWISE SPECIFIED][NO SURVEY TITLE TO BE DISPLAYED TO RESPONDENTS]
[DO NOT ALLOW ROUTED SURVEY TRAFFIC]
[PROGRAMMER: DISABLE RESUME LATER BUTTON FOR ENTIRE SURVEY]

INTRODUCTION AND SCREENING

[INTRO 1] Thank you for your willingness to participate in our study. The responses you give to our questions are very important to us. If you don't know an answer to a question or if you don't have an opinion, please indicate this in your response. Do not guess. Your answers will only be used in the aggregate and your personal information will be kept confidential. The results of this study will not be used to try to sell you anything. If you wear glasses or corrective lenses when looking at a computer screen or while shopping for products, please be sure to wear them while taking this survey.

When you are ready to get started, please select the "Continue >>" button.

[NEXT SCREEN]

- S1. Before continuing with this survey, please carefully read these instructions:
 - Please take this survey in one session.
 - While taking this survey, please do <u>not</u>, at any time, open any other windows or tabs on this computer or device or any other computer or device.
 - Please do not view any other written material while taking this survey.
 - Please do <u>not</u> consult or talk with any person while taking this survey.
 - You will not be able to go back to previous screens to change your answers.
 - If you normally wear eyeglasses or corrective lenses, please wear them while you complete this survey.

Do you understand the above instructions and agree to follow them?

- 1. Yes
- 2. No [SCREEN OUT]
- 3. Don't know / unsure [SCREEN OUT]

- S2. What type of device are you using to complete this survey?
 - [RANDOMIZE 1-4]
 - 1. Desktop computer
 - 2. Laptop computer
 - 3. Tablet computer
 - 4. Mobile phone or cell phone [50% SAMPLE]
 - 5. Other [SCREEN OUT]
- S3. Please verify that you are human.

[INSERT reCAPTCHA]

- S4. Are you...?
 - 1. Male
 - 2. Female
 - 3. Non-binary
 - 4. Other
 - 5. Prefer not to answer

[FLAG BUT DO NOT TERMINATE IF GENDER DOES NOT MATCH PANEL DATA]

S5. Please select your age. [PROVIDE DROP DOWN WITH RANGE 1-99]

□ Prefer not to answer [SCREEN OUT]

[TERMINATE IF RESPONDENT IS UNDER 18; CODE IN AGE BUCKETS FOR CLICK-BALANCING]

S6. In which state do you currently reside?

[INSERT DROP DOWN BOX WITH U.S. STATES & DC; INCLUDE "Outside of the U.S." OPTION, SCREEN OUT IF SELECTED]

[TO QUALIFY MUST SELECT Arizona, Texas, Louisiana, Illinois, Ohio, Michigan, Pennsylvania, New York, Washington DC, North Carolina, and Florida]

S7. Please enter your zip code.

(Enter 5-digit zip)

[TERMINATE IF ZIP DOES NOT MATCH STATE]

- S8. In the next year, which of the following, if any, are you likely to do? (Select all that apply) [RANDOMIZE 1-7]
 - 1. Travel by air
 - 2. Purchase a new home appliance
 - 3. Move to a new home
 - 4. Purchase or lease a new vehicle
 - 5. Attend an online class
 - 6. Change insurance providers

- 7. Attend a live music concert
- 8. None of the above [ANCHOR; EXCLUSIVE]
- 9. Don't know / unsure [ANCHOR; EXCLUSIVE]

[ASK S9 IF S8=1; OTHERWISE SCREEN OUT]

S9. For travel by air in the next year will you...?

(Select all that apply) [ROTATE 1-2]

- 1. Book the flight yourself
- 2. Have someone else book the flights
- 3. Something else (*Please specify*) [ANCHOR]
- 4. Don't know / unsure [ANCHOR; EXCLUSIVE]

[TO QUALIFY MUST SELECT S9=1]

S10. Which of the following destinations, if any, are you likely to travel to by air in the next year?

(Select all that apply) [RANDOMIZE 1-12; RANDOMIZE AS BLOCKS 1-2, 3-4, 7-8]

- 1. Northern California
- 2. Southern California
- 3. Northern Europe
- 4. Southern Europe
- 5. Asia
- 6. New England
- 7. Northern Florida
- 8. Southern Florida
- 9. Outer Banks
- 10. Great Lakes Region
- 11. Grand Canyon
- 12. Middle East
- 13. Somewhere else (*Please specify*) [ANCHOR]
- 14. Don't know / unsure [ANCHOR; EXCLUSIVE; SCREEN OUT]

[TO QUALIFY MUST SELECT S10=1]

S11. You indicated you are likely to fly to Northern California in the next year. Will your trip(s) to Northern California be for...?

(Select one)

- 1. Business
- 2. Pleasure
- 3. Both business and pleasure
- 4. Other (*Please specify*) [ANCHOR]
- 5. Don't know / unsure [ANCHOR; SCREEN OUT]

S12. Which of the following airlines would you consider using for your trip(s) to Northern California?

(Select all that apply) [ALPHABETIZE]

- 1. Alaska
- 2. Allegiant
- 3. American
- 4. Delta
- 5. Hawaiian
- 6. JetBlue
- 7. Southwest
- 8. Spirit
- 9. Sun Country
- 10. United
- 11. Private airline / plane [ANCHOR]
- 12. Other (*Please specify*) [ANCHOR]
- 13. Don't know / unsure [ANCHOR; EXCLUSIVE; SCREEN OUT]
- S13. When traveling to Northern California, which of the following, if any, are you likely to do? (Select all that apply) [RANDOMIZE 1-8, KEEP OPTIONS 2 AND 3 TOGETHER]
 - 1. Rent a car
 - 2. Book a hotel room in San Francisco
 - 3. Book a hotel room in another city or town
 - 4. Visit friends or family
 - 5. Visit a tourist attraction
 - 6. Visit clients / business partners
 - 7. Fly to another city / get a connecting flight
 - 8. Attend a professional conference
 - 9. Something else (*Please specify*) [ANCHOR]
 - 10. Don't know / unsure [ANCHOR; EXCLUSIVE; SCREEN OUT]
- S14. Approximately how often do you travel by air? [RANDOMIZE ENDS OF SCALE 1-5, 5-1]
 - 1. Once every few years
 - 2. Once a year
 - 3. Once every six months
 - 4. Three or four times a year
 - 5. More than five times a year
 - 6. Other (*Please specify*) [ANCHOR; EXCLUSIVE]
 - 7. Don't know / unsure [ANCHOR; EXCLUSIVE]

S15. Approximately how many times each week, if at all, do you do each of the following? (Select one response per item) [ROTATE COLUMNS 1-7; 7-1]

	Never or less than 1 time each week	1 time each week	2 times each week	3 times each week	4 times each week	5 times each week	More than 5 times each week	Don't know / unsure [ANCHOR]
Watch a professional sports event either at home or in person	0	0	0	0	0	0	0	0
Engage in strenuous activity for 30 minutes or more	0	0	0	0	0	0	0	0
Watch a full- length movie	0	0	0	0	0	0	0	0
Please select [1-5] times each week for this item	0	0	0	0	0	0	0	0
Go out to eat in a restaurant	0	0	0	0	0	0	0	0
Go to a bar or club	0	0	0	0	0	0	0	0
Commute to an office or work location	0	0	0	0	0	0	0	0

[IF S15R4=RANDOMIZED NUMBER, CONTINUE, ELSE SCREEN OUT]

[QUALIFIED RESPONDENT MUST BE LIKELY TO FLY TO NORTHERN CALIFORNIA IN THE NEXT YEAR][REQUIRE 50% OF SAMPLE TRAVELS BY AIR TWICE A YEAR OR LESS FREQUENTLY, S14=1 OR 2 OR 3][RANDOMIZE TO TEST OR CONTROL; MATCH STIMULI BASED ON SURVEY MODE; RESPONDENTS WHO SELECT SOUTHWEST AT S12 (S12R7=1) SHOWN SOUTHWEST STIMULI OR LEAST FILL; RESPONDENTS WHO DID NOT SELECT SOUTHWEST ARE SHOWN THE GOOGLE STIMULI OR LEAST FILL]

[PIPE LANGUAGE ACCORDING TO GROUP]

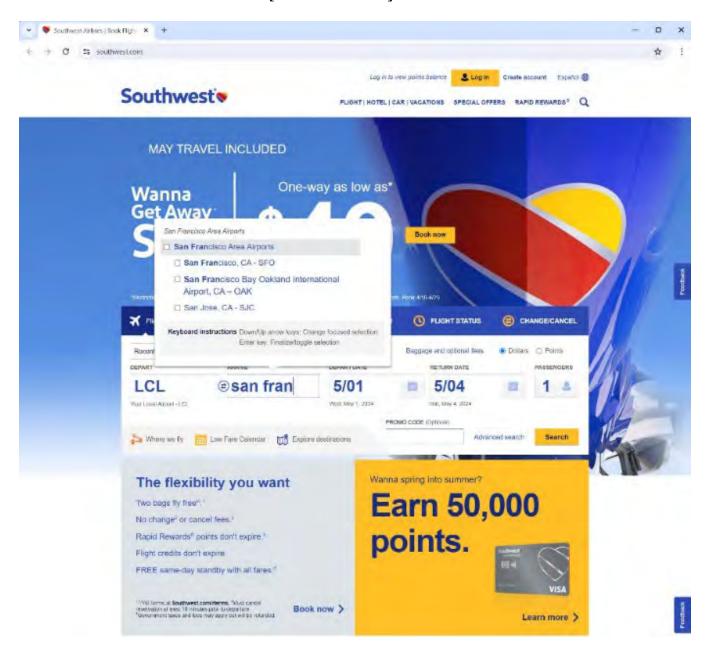
[INTRO] Please imagine you were shopping for a flight to Northern California. On the next [few pages / GOOGLE FLIGHTS DESKTOP ONLY: page] you will be shown some information you might see if you were looking to purchase a flight. Please review this information carefully. When you are finished, please select the "Continue>>" button to proceed to the next screen. Please note, [these are not live webpages / GOOGLE FLIGHTS DESKTOP ONLY: this is not a live webpage] so you cannot "click" or alter any other information on the page. [On each page, there /

GOOGLE FLIGHTS DESKTOP ONLY: There] will be a brief delay before you can move forward.

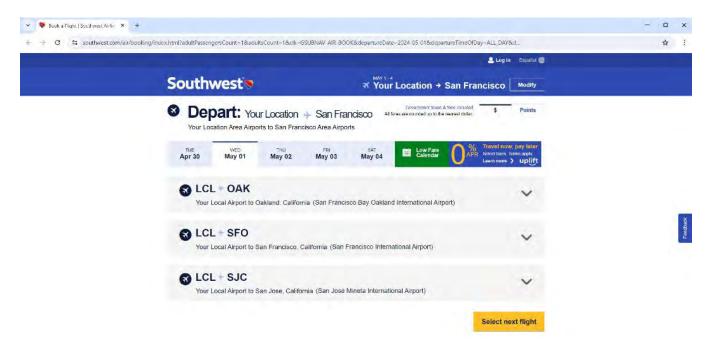
[NEXT PAGE] [5 SECOND DELAY BEFORE CONTINUE BUTTON APPEARS]

[[SOUTHWEST GROUP - DESKTOP VERSION]]

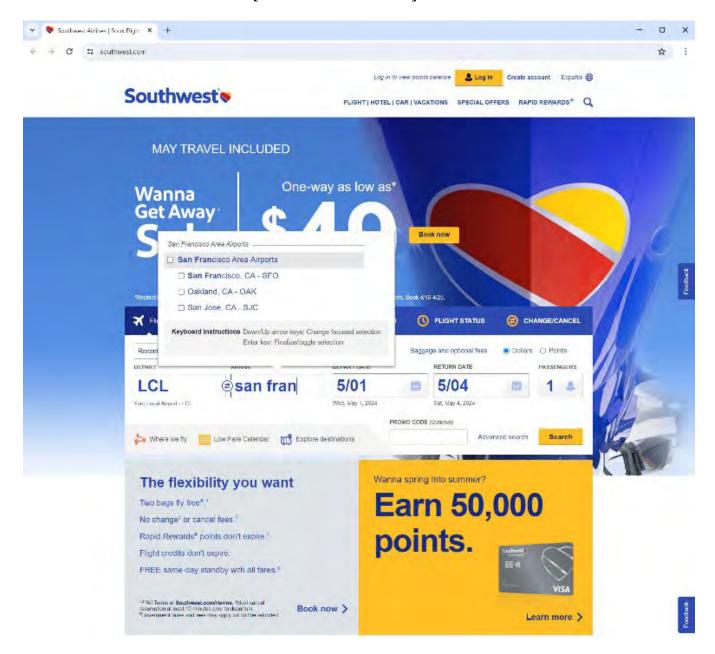
[TEST - PAGE 1]



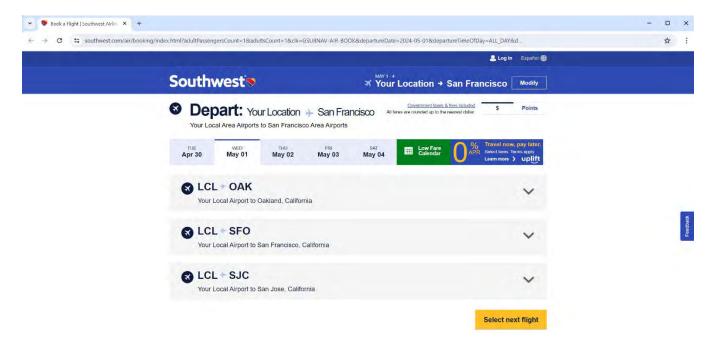
[TEST - PAGE 2]



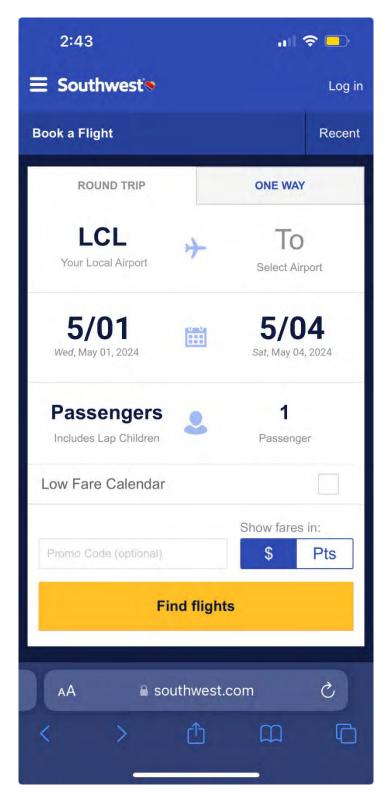
[CONTROL - PAGE 1]



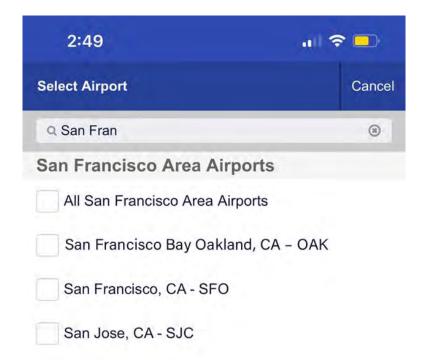
[CONTROL – PAGE 2]



[[SOUTHWEST GROUP – MOBILE VERSION]] [TEST – PAGE 1]

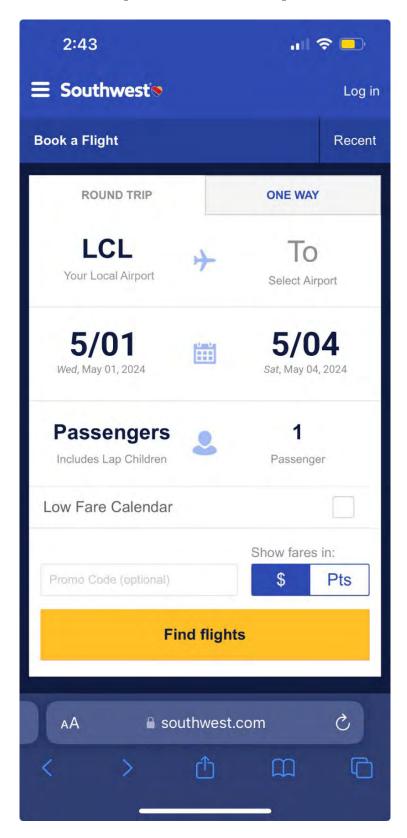


[TEST – PAGE 2]

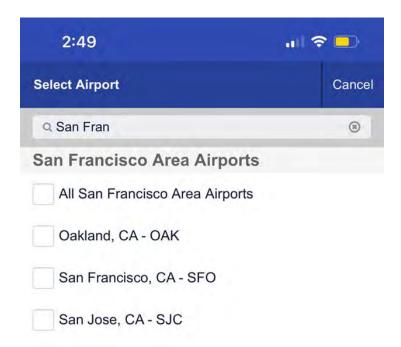




[CONTROL – PAGE 1]

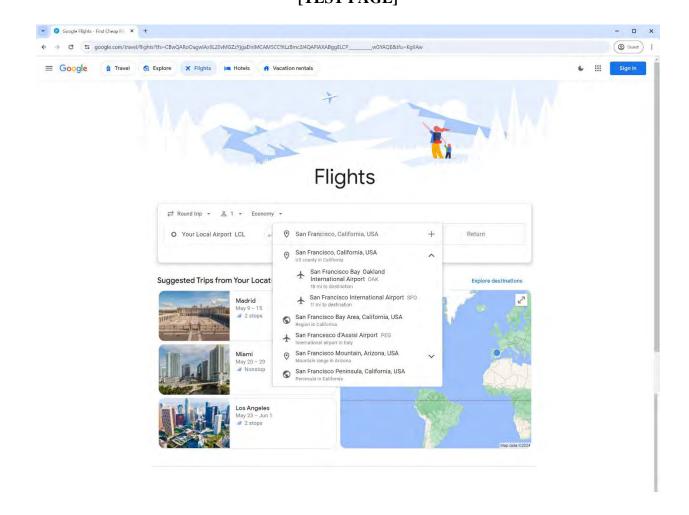


[CONTROL – PAGE 2]

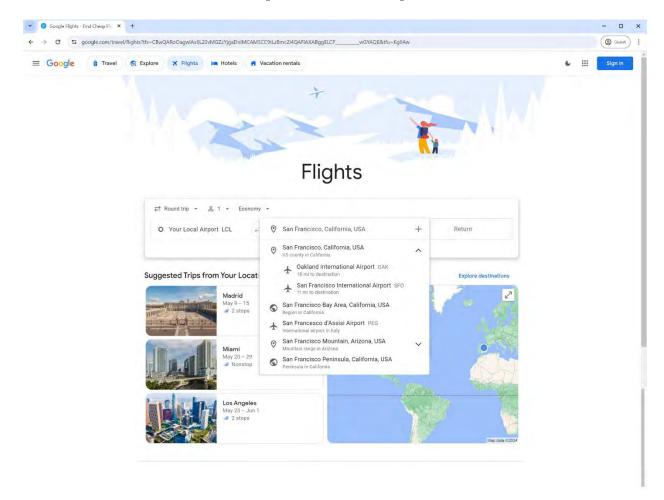




[[GOOGLE FLIGHTS GROUP – DESKTOP VERSION]] [TEST PAGE]

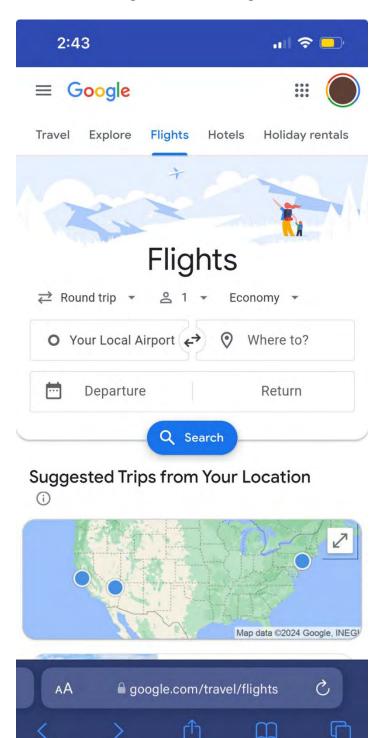


[CONTROL PAGE]

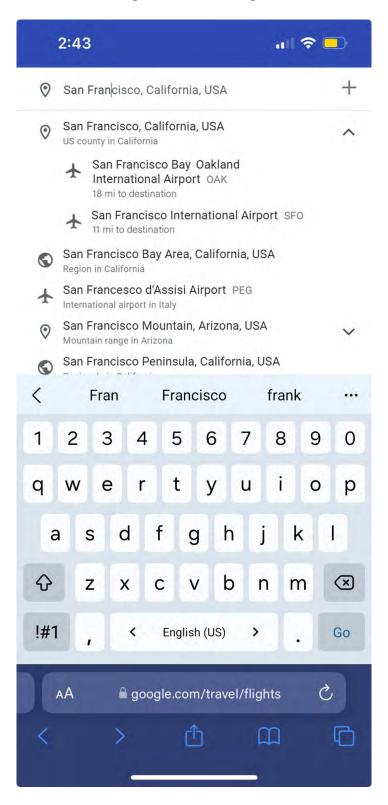


$[[GOOGLE\ FLIGHTS\ GROUP-MOBILE\ VERSION]]$

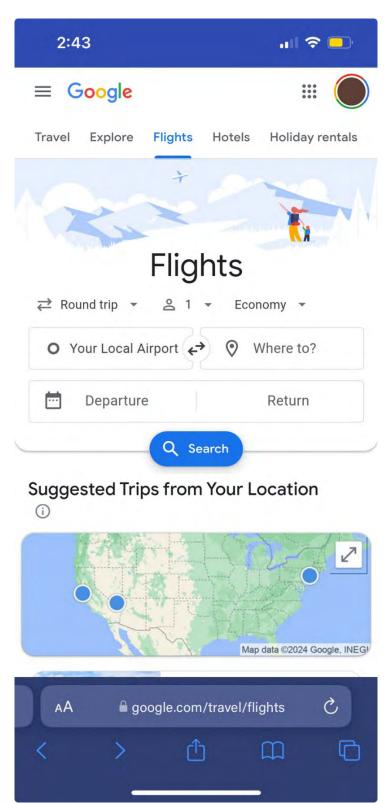
[TEST – PAGE 1]



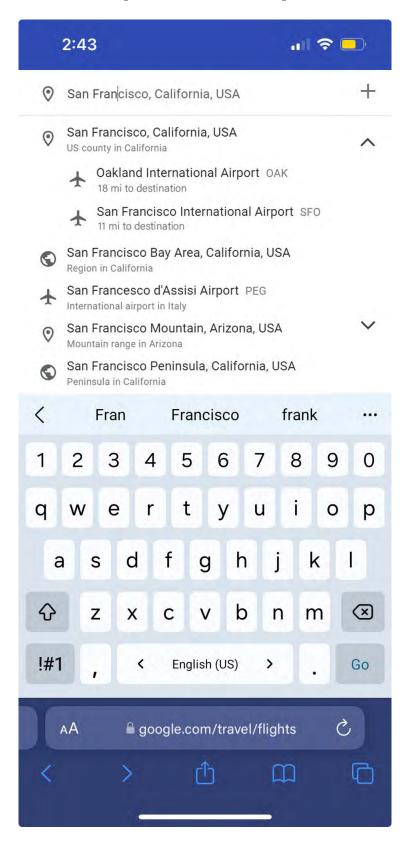
[TEST - PAGE 2]



[CONTROL – PAGE 1]



[CONTROL – PAGE 2]



- QV. Were you able to view the information on the [webpages / webpage] clearly? [RANDOMIZE 1 AND 2]
 - 1. Yes
 - 2. No [SCREEN OUT]
 - 3. Don't know / unsure [ANCHOR; SCREEN OUT]

[NEXT SCREEN]

Q1. Where do you think the **[TEST ONLY:** San Francisco Bay] Oakland International Airport is located?

(Please type in your response) [TEXT BOX]

- ☐ Don't know / unsure
- Q2. Do you think the [TEST ONLY: San Francisco Bay] Oakland International Airport is...? [ROTATE 1 AND 2]
 - 1. The same airport as the San Francisco International Airport [GO TO S16]
 - 2. A different airport from the San Francisco International Airport
 - 3. Don't know / unsure [ANCHOR]
- Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area? [RANDOMIZE 1-3; ALLOW SINGLE SELECT ONLY]
 - 1. **[TEST ONLY:** San Francisco Bay] Oakland International Airport
 - 2. San Francisco International Airport
 - 3. San Jose Mineta International Airport
 - 4. Something else [ANCHOR]
 - 5. Don't know / unsure [ANCHOR]
- S16. Have you traveled by air to Northern California in the past?

[RANDOMIZE 1 AND 2]

- 1. Yes
- 2. No
- 3. Don't know / unsure [ANCHOR]

[50% CAP ON RESPONDENTS WHO HAVE TRAVELED TO NORTHERN CALIFORNIA IN THE PAST; ASK S17 IF S16=1; OTHERWISE SKIP TO S18]

S17. What airport(s) did you fly into or out of when you traveled to Northern California in the past?

(Select all that apply) [RANDOMIZE 1-4]

- 1. San Francisco International Airport [FLAG]
- 2. Oakland International Airport [FLAG]
- 3. San Jose Mineta International Airport
- 4. Sacramento International Airport
- 5. Other (*Please specify*) [ANCHOR]
- 6. Don't know / unsure [ANCHOR; EXCLUSIVE]

[FLAG RESPONDENTS WHO HAVE FLOWN INTO SFO/OAK IN THE PAST]

- S18. Are you a member of any frequent flyer / airline loyalty programs? [ROTATE 1-2]
 - 1. Yes
 - 2. No
 - 3. Don't know / unsure [ANCHOR]

[ASK S19 IF S18=1; OTHERWISE SKIP TO S20]

- S19. Which frequent flyer / airline loyalty program(s) are you a member of?
 - (Select all that apply) [ALPHABETIZE]
 - 1. Alaska
 - 2. Allegient
 - 3. American
 - 4. Delta
 - 5. Free Spirit
 - 6. Frontier
 - 7. Hawaiian
 - 8. Jet Blue
 - 9. Southwest
 - 10. United
 - 11. Something else (*Please specify*)
 - 12. Don't know / unsure
- S20. Which of the following, if any, are the airports that you typically use when flying from your home / business to other locations?

(Select all that apply) [ALPHABETIZE]

- 1. TUS Tucson International Airport
- 2. DFW Dallas Fort Worth International Airport
- 3. IAH George Bush Intercontinental Airport
- 4. MSY Louis Armstrong New Orleans International Airport
- 5. ORD Chicago O'Hare International Airport
- 6. IND Indianapolis International Airport
- 7. CVG Cincinnati/Northern Kentucky International Airport
- 8. DTW Detroit Metropolitan Wayne County Airport
- 9. CLE Cleveland Hopkins International Airport
- 10. PIT Pittsburgh International Airport
- 11. PHL Philadelphia International Airport
- 12. JFK John F. Kennedy International Airport
- 13. DCA Ronald Reagan Washington National Airport
- 14. IAD Dulles International Airport
- 15. CLT Charlotte Douglas International Airport
- 16. RDU Raleigh–Durham International Airport

- 17. MCO Orlando International Airport
- 18. TPA Tampa International Airport
- 19. FLL Fort Lauderdale–Hollywood International Airport
- 20. MIA Miami International Airport
- 21. None of these [ANCHOR; EXCLUSIVE]
- 22. Don't know / unsure [ANCHOR; EXCLUSIVE; FLAG]
- S21. Do you or do any members of your household work for any of the following? (Select all that apply) [RANDOMIZE 1-10]
 - 1. A market research or advertising company [FLAG]
 - 2. A travel insurance company [FLAG]
 - 3. A hotel or hotel booking website [FLAG]
 - 4. An airline or travel website [FLAG]
 - 5. A company that offers car insurance
 - 6. A company that offers homeowner's insurance
 - 7. A rental car agency [FLAG]
 - 8. A concert venue
 - 9. A movie theatre
 - 10. An amusement park
 - 11. None of these [ANCHOR; EXCLUSIVE]
 - 12. Don't know / unsure [ANCHOR; EXCLUSIVE; FLAG]

END: Thank you for your participation. Those are all the questions we have today.

Exhibit E

Airport Survey Desktop Screenshots

Thank you for your willingness to participate in our study. The responses you give to our questions are very important to us. If you don't know an answer to a question or if you don't have an opinion, please indicate this in your response. Do not guess. Your answers will only be used in the aggregate and your personal information will be kept confidential. The results of this study will not be used to try to sell you anything. If you wear glasses or corrective lenses when looking at a computer screen or while shopping for products, please be sure to wear them while taking this survey.

When you are ready to get started, please select the "Continue »" button.

Continue »

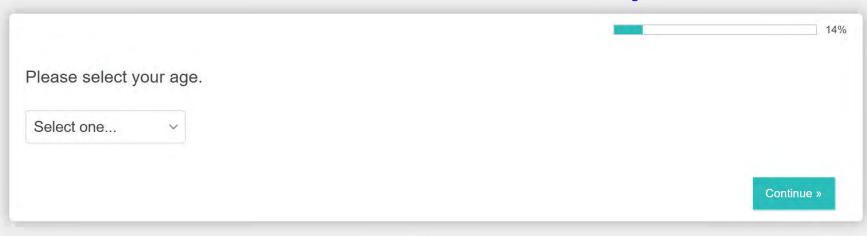
	0%
Before continuing with this survey, please carefully read these instruction. • Please take this survey in one session.	ctions:
 While taking this survey, please do <u>not</u>, at any time, open any of or device or any other computer or device. 	ther windows or tabs on this computer
 Please do <u>not</u> view any other written material while taking this se 	urvey.
 Please do <u>not</u> consult or talk with any person while taking this su 	urvey.
 You will not be able to go back to previous screens to change you 	our answers.
 If you normally wear eyeglasses or corrective lenses, please we 	ear them while you complete this survey.
Do you understand the above instructions and agree to follow them?	
Yes	
○ No	
On't know / unsure	
	Continue »

	3%
What type of device are you using to complete this survey?	
Mobile phone or cell phone	
○ Laptop computer	
Oesktop computer	
○ Tablet computer	
Other	
	Continue »

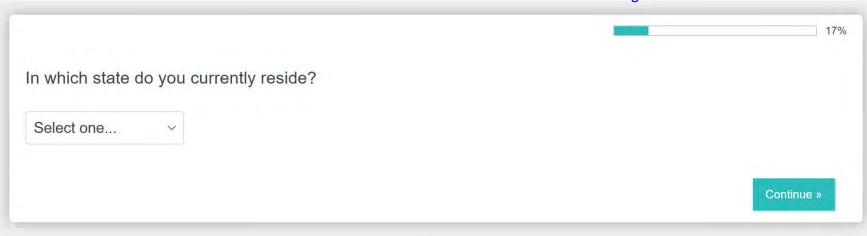
Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 Page 84 of 295

		_	7%
Please verify that you	are human.		
I'm not a robot	reCAPTCHA Privacy - Terms		
			Continue »

	10%
Are you?	
○ Male	
Female	
O Non-binary	
Other	
O Prefer not to answer	
	Continue »



7



	21%
Please enter your zip code.	
(Enter 5-digit zip)	
	Continue »

	24%
In the next year, which of the following, if any, are you likely to do?	
(Select all that apply)	
Purchase or lease a new vehicle	
Move to a new home	
Attend an online class	
Purchase a new home appliance	
Attend a live music concert	
Travel by air	
Change insurance providers	
None of the above	
Don't know / unsure	
	Continue »

		30%
For travel by air in the next year will you?		
(Select all that apply)		
Have someone else book the flights		
Book the flight yourself		
Something else (Please specify)		
Don't know / unsure		
	Continue »	

	35%
Which of the following destinations, if any, are you likely to travel to by air in the next year?	
(Select all that apply)	
Southern Europe	
Northern Europe	
New England	
Great Lakes Region	
Middle East	
Southern Florida	
Northern Florida	
Outer Banks	
Asia	
Northern California	
Southern California	
Grand Canyon	
Somewhere else (Please specify)	
Don't know / no opinion	
Con	ntinue »

	39%
You indicated you are likely to fly to Northern California in the next year. Will your trip(s) to Northern California be for?	
(Select one)	
Business	
O Pleasure	
Both business and pleasure	
Other (Please specify)	
On't know / unsure	
Conti	inue »

	44%
Which of the following airlines would you consider using for your trip(s) to Northern California?	
(Select all that apply)	
Alaska	
Allegiant	
American	
Delta	
Hawaiian	
JetBlue	
Southwest	
Spirit	
Sun Country	
United	
Private airline / plane	
Other (Please specify)	
Don't know / unsure	
Continue	»

	47%
When traveling to Northern California, which of the following, if any, are you likely to do?	
(Select all that apply)	
Fly to another city / get a connecting flight	
Visit friends or family	
Rent a car	
Book a hotel room in another city or town	
Book a hotel room in San Francisco	
Visit a tourist attraction	
Attend a professional conference	
Visit clients / business partners	
Something else (Please specify)	
Don't know / unsure	
Continu	ie »

	50%
Approximately how often do you travel by air?	
Once every few years	
Once a year	
Once every six months	
Three or four times a year	
More than five times a year	
Other (Please specify)	
On't know / unsure	
	Continue »

	Never or less than 1 time each week	1 time each week	2 times each week	3 times each week	4 times each week	5 times each week	More than 5 times each week	Don't know / unsure
Watch a professional sports event either at home or in person	0	0	0	0	0	0	0	0
Engage in strenuous activity for 30 minutes or more	0	0	0	0	0	0	0	0
Watch a full-length movie	0	0	0		0	0	0	0
Please select 3 times each week for this item	0	0	0	0	0	0	0	0
Go out to eat in a restaurant	0	0	0	0	0		0	0
Go to a bar or club	0		0	0	0	0	0	0
Commute to an office or work location	0	0		0	0	0	0	0

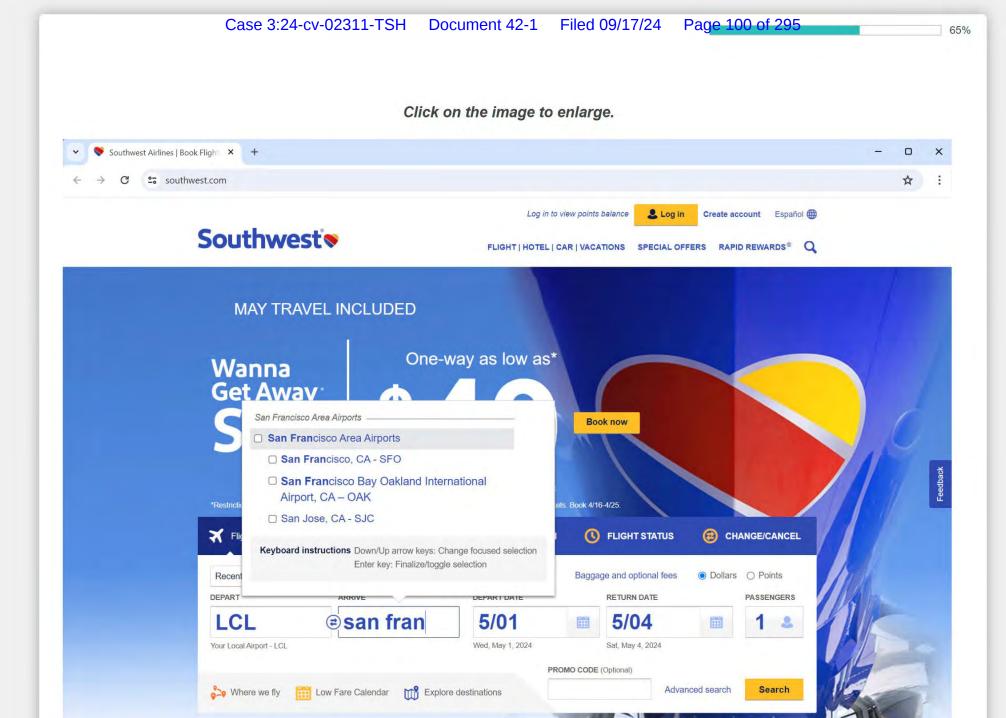
Test Group

Southwest Stimuli

Please imagine you were shopping for a flight to Northern California. On the next few pages you will be shown some information you might see if you were looking to purchase a flight. Please review this information carefully. When you are finished, please select the "Continue>>" button to proceed to the next screen. Please note, these are not live webpages so you cannot "click" or alter any other information on the page. On each page, there will be a brief delay before you can move forward.

Continue »

57%





Two bags fly free®.1

No change² or cancel fees.³

Rapid Rewards® points don't expire.4

Flight credits don't expire.

FREE same-day standby with all fares.5

1.2.4All Terms at Southwest.com/rterms. 3Must cancel reservation at least 10 minutes prior to departure. ⁵Government taxes and fees may apply but will be refunded.

Book now >

Earn 50,000 points.



Learn more >

Special Offers



BOOK A VACATION

Bundle Southwest® flight + hotel to save big on your next vacation.

Explore vacations

Book now

RENTA CAR

Earn up to 4X more points on your next car rental at over 100 locations nationwide.

Rent a car

BOOK A HOTEL

Earn up to 10,000 points per night on hotel stays.

Search hotels 2

Extend your floating holiday.

That's a Big Flex.[™] No change[†] or cancel fees.²

¹Fare difference may apply. ²Failure to cancel a reservation at least 10 minutes prior to scheduled departure may result in forfeited flight credits.



EarlyBird Check-In®

When available, automatic check-in 36 hours before your flight for a better boarding position, starting from \$15 one-way* per Passenger.

Get it today



*Pricing starts at \$15 one-way, and is subject to availability. Pricing may vary based on the popularity and length of each (one-way) flight. Please see optional travel charges for more details.

the Southwest® app

Download the Southwest® mobile app to check in and get your boarding pass on your mobile device - no kiosks or paper necessary.



Case 3:24-cy-02311-TSH Document 42-1 Filed 09/17/24 Page 102 of 295 **Travel with ease with A plan for every type** of business.

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Southwest Business

Southwest Cargo

Groups

Charter Services

Southwest® The Store 2

Rapid Rewards® Credit Card

Help Center

Sitemap

Customer Commitments

Baggage Policies

Special Assistance

Military & Government Travel

Customers of Size

Traveling with Infants

Traveling with Pets

Purchasing & Refunds

Complete account setup

Lost and Found

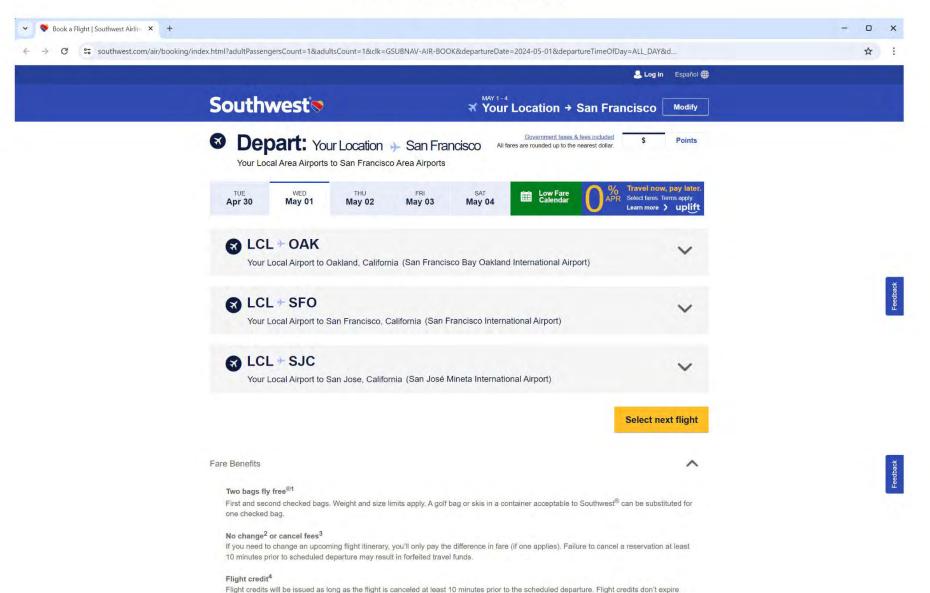
Southwest

Southwest Vacations FAQ 2

Indicates external site which may or may not meet accessibility guidelines







69%

Case 3 24 revel 1923 112 TSH, any pDocument 42 11 elect 19 11 12 4 ssocial Pager 105 of 295

Transferable Flight Credit ™5

Transferable Flight Credit™ will be issued as long as the flight is canceled at least 10 minutes prior to the scheduled departure. Transferable Flight Credit can be transferred between Rapid Rewards® Members. Only one transfer is permitted. For bookings made through a Southwest® Business channel, there is a limitation to transfer only between employees within the organization. Transferable Flight Credits don't expire. For travel booked with Rapid Rewards points: starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus™ reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation.

Free same-day change/standby⁶

Same-day change: On the day of travel, you can switch free of airline charges to another flight with space available departing on the same calendar day between the same origin airport and destination airport as your original flight. With the exception of A-List Preferred and A-List Members, Customers who purchase Wanna Get Away fares are not eligible for free same-day change.

Same-day standby: You can list for same-day standby on an earlier flight via a Southwest Customer Service Agent at the airport or the Southwest app or mobile web. You will receive a message based on the contact preference selected during booking if you are cleared on the flight

For both same-day change and same-day standby, you must change your flight or request to be added to the same-day standby list at least 10 minutes prior to the scheduled departure of your original flight or the no-show policy will apply. If using the app or mobile web for standby, you must list your name 30 minutes ahead of scheduled departure. You will be required to pay any government taxes and fees associated with these itinerary changes but refunds will be provided. Your original boarding position is not guaranteed. Southwest Business Customers booked through travel agencies may need to see a Southwest agent at the airport for both a same-day change or standby listing. See southwest-com/standby for more details.

Refundable⁷

As long as you cancel your reservation at least ten (10) minutes prior to the scheduled departure of your flight. If you cancel, you're eligible to receive 100% of your ticket value as a refund to your original form of payment. A Southwest flight credit from a previous reservation that is applied toward a Business Select or Anytime fare will be refunded as a Transferable Flight Credit. For travel booked with Rapid Rewards points, if canceled, points will be returned to the Rapid Rewards account holder who booked the ticket.

*Starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus™ reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation.

For Anytime or Business Select® reward travel reservations: the points used for booking will be redeposited to the purchaser's Rapid Rewards® account, and any taxes and fees associated with the reward travel reservation will be converted into a Transferable Flight Credit™ for future use.

Priority and Express Lanes⁸

Priority and Express Lanes, (where available), can be accessed by Business Select and Anytime Customers and A-List and A-List Preferred Members. Priority Lanes are at Southwest check-in counters, and Express Lanes are at security checkpoints.

EarlyBird Check-In®9

You will automatically be checked in to your flight 36 hours prior to scheduled departure. For Anytime fares purchased between 36 and 24 hours, the boarding position assignment process has begun so this may impact the boarding position assigned to you. If you purchase an Anytime fare within 24 hours of your flight's scheduled departure, you will not receive the EarlyBird Check-In benefit. In an irregular operation situation, the boarding position is not guaranteed.

Complimentary premium drink¹⁰

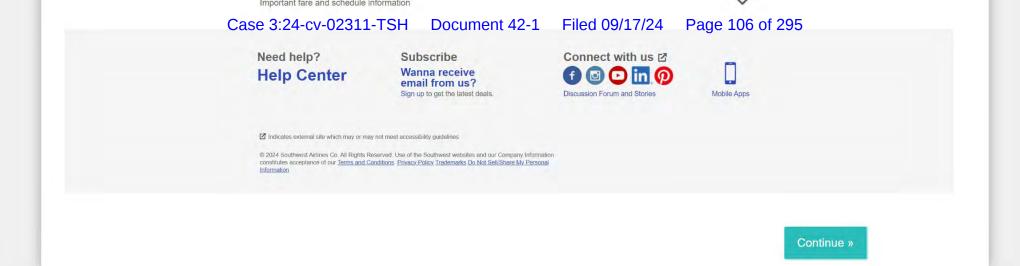
Flights traveling 175 miles or less only serve water.

Earning points¹¹

Points can be earned from (a) qualifying flights booked and flown through Southwest or (b) through qualifying purchases with our Rapid Rewards partners. Qualifying flights include flights paid entirely with dollars, Southwest LUV Vouchers®, gift cards, or flight credits, and with no portion of the purchase price paid for with Rapid Rewards points. Cash + Points bookings will not earn Rapid Rewards points, tier qualifying points for A-List or A-List Preferred status, or Companion Pass qualifying points. All Rapid Rewards rules and regulations apply and can be found at Southwest.com/rrterms.

Free Inflight Internet¹²

Where available. Available only on WiFi-enabled aircraft. Limited-time offer.



71%
Continue »

	74%
Where do you think the San Francisco Bay Oakland International Airport is located?	
(Please type in your response)	
Don't know / unsure	
Don't know / unsure	
	Continue »

	78%
Do you think the San Francisco Bay Oakland International Airport is?	
A different airport from the San Francisco International Airport	
The same airport as the San Francisco International Airport	
On't know / unsure	
	Continue »

	81%
Which of the following, if any, is the primary airport serving the San Francisco Bay Area?	
San Francisco Bay Oakland International Airport	
San Francisco International Airport	
San Jose Mineta International Airport	
○ Something else	
On't know / unsure	
	Continue »

84%
Continue »

	87%
What airport(s) did you fly into or out of when you traveled to Northern California in the past?	
(Select all that apply)	
San Jose Mineta International Airport	
Sacramento International Airport	
Oakland International Airport	
San Francisco International Airport	
Other (Please specify)	
Don't know / unsure	
	Continue »

88%

Which frequent flyer / airline loyalty program(s) are you a member of? (Select all that apply) Alaska Allegient American Delta Free Spirit Frontier		92%
Allegient American Delta Free Spirit Frontier	Which frequent flyer / airline loyalty program(s) are you a member of?	
Allegient American Delta Free Spirit Frontier	(Select all that apply)	
American Delta Free Spirit Frontier	Alaska	
Delta Free Spirit Frontier	Allegient	
Free Spirit Frontier	American	
Frontier	Delta	
	Free Spirit	
Howeiion	Frontier	
Hawalian	Hawaiian	
Jet Blue	Jet Blue	
Southwest	Southwest	
United	United	
Something else (Please specify)	Something else (Please specify)	
Don't know / unsure	Don't know / unsure	
Continue »		Continue »

<u>Help</u>

Case 3:24-cv-02311-TSH	Document 42-1	Filed 09/17/24	Page 115 of 295 93%
Which of the following, if any, are the air other locations?	irports that you typica	lly use when flying f	rom your home / business to
(Select all that apply)			
CLE – Cleveland Hopkins International Ai	rport		
CLT - Charlotte Douglas International Air	port		
CVG - Cincinnati/Northern Kentucky Inte	rnational Airport		
DCA - Ronald Reagan Washington Natio	nal Airport		
DFW – Dallas Fort Worth International Air	port		
DTW - Detroit Metropolitan Wayne Count	ty Airport		
FLL – Fort Lauderdale–Hollywood Interna	tional Airport		
☐ IAD – Dulles International Airport			
IAH – George Bush Intercontinental Airpo	rt		
IND – Indianapolis International Airport			
JFK – John F. Kennedy International Airpo	ort		
MCO – Orlando International Airport			
MIA – Miami International Airport			
MSY - Louis Armstrong New Orleans Inte	ernational Airport		
ORD - Chicago O'Hare International Airp	ort		
PHL – Philadelphia International Airport			
PIT – Pittsburgh International Airport			
RDU - Raleigh-Durham International Airp	port		
TPA - Tampa International Airport			
TUS - Tucson International Airport			
None of these			
Don't know / unsure			
			Continue »

	96%
Do you or do any members of your household work for any of the following?	
(Select all that apply)	
An airline or travel website	
A market research or advertising company	
A company that offers homeowner's insurance	
A travel insurance company	
A company that offers car insurance	
A concert venue	
A hotel or hotel booking website	
A movie theatre	
An amusement park	
A rental car agency	
None of these	
Don't know / unsure	
Con	ntinue »

Google Flights Stimuli

Please imagine you were shopping for a flight to Northern California. On the next page you will be shown some information you might see if you were looking to purchase a flight. Please review this information carefully. When you are finished, please select the "Continue>>" button to proceed to the next screen. Please note, this is not a live webpage so you cannot "click" or alter any other information on the page. There will be a brief delay before you can move forward.

Continue »

57%

Los Angeles May 23 – Jun 1 2 stops

Continue

69%
Continue »

	74%
Where do you think the San Francisco Bay Oakland International Airport is located?	
(Please type in your response)	
Don't know / unsure	
Don't know / unsure	
	Continue »

	78%
Do you think the San Francisco Bay Oakland International Airport is?	
The same airport as the San Francisco International Airport	
A different airport from the San Francisco International Airport	
On't know / unsure	
	Continue »

	81%
Which of the following, if any, is the primary airport serving the San Francisco Bay Area?	
San Jose Mineta International Airport	
San Francisco Bay Oakland International Airport	
San Francisco International Airport	
○ Something else	
On't know / unsure	
	Continue »

84%
Continue »

	87%
What airport(s) did you fly into or out of when you traveled to Northern California in the past?	
(Select all that apply)	
Oakland International Airport	
San Francisco International Airport	
Sacramento International Airport	
San Jose Mineta International Airport	
Other (Please specify)	
Don't know / unsure	
Co	ontinue »

88%
»

	92%
Which frequent flyer / airline loyalty program(s) are you a member of?	
(Select all that apply)	
Alaska	
Allegient	
American	
Delta	
Free Spirit	
Frontier	
Hawaiian	
Jet Blue	
Southwest	
United	
Something else (Please specify)	
Don't know / unsure	
	Continue »

<u>Help</u>

Case 3:24-cv-02311-TSH	Document 42-1	Filed 09/17/24	Page 129 of 295 93%
Which of the following, if any, are the a other locations?	irports that you typica	lly use when flying f	rom your home / business to
(Select all that apply)			
CLE – Cleveland Hopkins International A	irport		
CLT – Charlotte Douglas International Air	port		
CVG - Cincinnati/Northern Kentucky Inte	rnational Airport		
DCA - Ronald Reagan Washington Natio	nal Airport		
DFW – Dallas Fort Worth International Air	rport		
DTW – Detroit Metropolitan Wayne Coun	ty Airport		
FLL – Fort Lauderdale–Hollywood Interna	ational Airport		
☐ IAD – Dulles International Airport			
IAH – George Bush Intercontinental Airpo	ort		
IND – Indianapolis International Airport			
JFK – John F. Kennedy International Airp	ort		
MCO – Orlando International Airport			
MIA - Miami International Airport			
MSY – Louis Armstrong New Orleans Inte	ernational Airport		
ORD - Chicago O'Hare International Airp	ort		
PHL - Philadelphia International Airport			
PIT – Pittsburgh International Airport			
RDU – Raleigh–Durham International Air	port		
TPA - Tampa International Airport			
TUS – Tucson International Airport			
None of these			
Don't know / unsure			
			Continue »

	96%
Do you or do any members of your household work for any of the following?	
(Select all that apply)	
An airline or travel website	
A market research or advertising company	
A hotel or hotel booking website	
A rental car agency	
A company that offers homeowner's insurance	
A movie theatre	
An amusement park	
A concert venue	
A company that offers car insurance	
A travel insurance company	
None of these	
Don't know / unsure	
Con	itinue »

Control Group

Southwest Stimuli

Please imagine you were shopping for a flight to Northern California. On the next few pages you will be shown some information you might see if you were looking to purchase a flight. Please review this information carefully. When you are finished, please select the "Continue>>" button to proceed to the next screen. Please note, these are not live webpages so you cannot "click" or alter any other information on the page. On each page, there will be a brief delay before you can move forward.

Continue »

57%

5/01

Explore destinations

Wed, May 1, 2024

s. Book 4/16-4/25.

PROMO CODE (Optional)

(I) FLIGHT STATUS

Baggage and optional fees

RETURN DATE

5/04

Sat, May 4, 2024

(CHANGE/CANCEL

PASSENGERS

Search

O Dollars O Points

Advanced search

Oakland, CA - OAK

☐ San Jose, CA - SJC

Where we fly Low Fare Calendar

Keyboard instructions Down/Up arrow keys: Change focused selection Enter key: Finalize/toggle selection

esan fran

X Fli

Recent

LCL

Your Local Airport - LCL



55



Two bags fly free®.1

No change² or cancel fees.³

Rapid Rewards® points don't expire.4

Flight credits don't expire.

FREE same-day standby with all fares.5

1.2.4All Terms at Southwest.com/rterms. 3Must cancel reservation at least 10 minutes prior to departure. ⁵Government taxes and fees may apply but will be refunded.

Book now >

Earn 50,000 points.



Learn more >

Special Offers



BOOK A VACATION

Bundle Southwest® flight + hotel to save big on your next vacation.

Explore vacations

Book now

RENTA CAR

Earn up to 4X more points on your next car rental at over 100 locations nationwide.

Rent a car

BOOK A HOTEL

Earn up to 10,000 points per night on hotel stays.

Search hotels 2

Extend your floating holiday.

That's a Big Flex.[™] No change[†] or cancel fees.²

¹Fare difference may apply. ²Failure to cancel a reservation at least 10 minutes prior to scheduled departure may result in forfeited flight credits.



EarlyBird Check-In®

When available, automatic check-in 36 hours before your flight for a better boarding position, starting from \$15 one-way* per Passenger.

Get it today



the Southwest® app

Download the Southwest® mobile app to check in and get your boarding pass on your mobile device - no kiosks or paper necessary.



Case 3:24-cy-02311-TSH Document 42-1 Filed 09/17/24 Page 136 of 295 **Travel with ease with A plan for every type** of business.

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Upgraded Boarding

Southwest® gift card

Hotels 🖾

Southwest Vacations 2

Inflight Entertainment & Internet

Food & Beverage

Southwest Business

Southwest Cargo

Groups

Charter Services

Southwest® The Store 2

Rapid Rewards® Credit Card

Help Center

Sitemap

Customer Commitments

Baggage Policies

Special Assistance

Military & Government Travel

Customers of Size

Traveling with Infants

Traveling with Pets

Purchasing & Refunds

Complete account setup

Lost and Found

Southwest

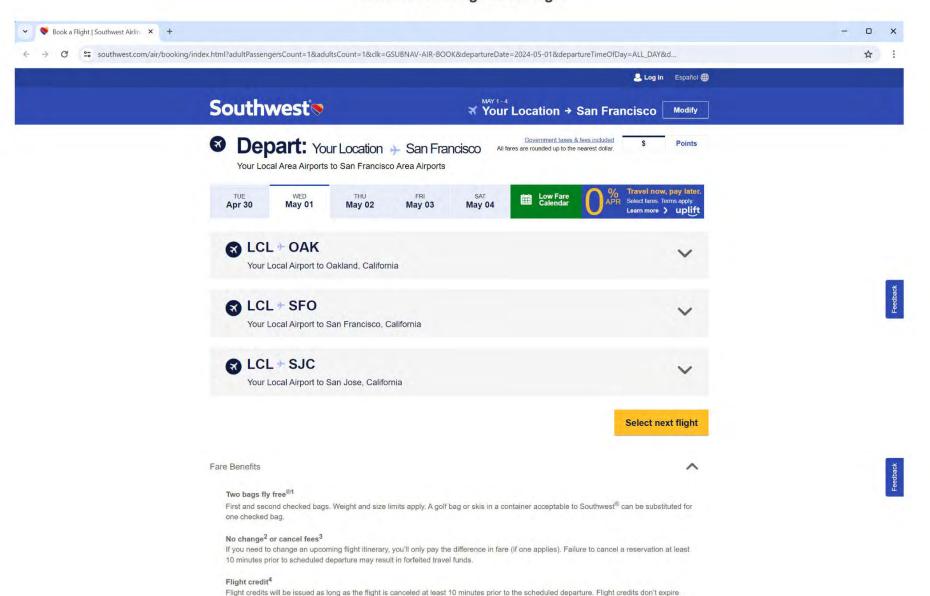
Southwest Vacations FAQ 2

Indicates external site which may or may not meet accessibility guidelines





Click on the image to enlarge.



Transferable Flight Credit ™5

Transferable Flight Credit™ will be issued as long as the flight is canceled at least 10 minutes prior to the scheduled departure. Transferable Flight Credit can be transferred between Rapid Rewards® Members. Only one transfer is permitted. For bookings made through a Southwest® Business channel, there is a limitation to transfer only between employees within the organization. Transferable Flight Credits don't expire. For travel booked with Rapid Rewards points: starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus™ reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation.

Free same-day change/standby⁶

Same-day change: On the day of travel, you can switch free of airline charges to another flight with space available departing on the same calendar day between the same origin airport and destination airport as your original flight. With the exception of A-List Preferred and A-List Members, Customers who purchase Wanna Get Away fares are not eligible for free same-day change.

Same-day standby: You can list for same-day standby on an earlier flight via a Southwest Customer Service Agent at the airport or the Southwest app or mobile web. You will receive a message based on the contact preference selected during booking if you are cleared on the flight

For both same-day change and same-day standby, you must change your flight or request to be added to the same-day standby list at least 10 minutes prior to the scheduled departure of your original flight or the no-show policy will apply. If using the app or mobile web for standby, you must list your name 30 minutes ahead of scheduled departure. You will be required to pay any government taxes and fees associated with these itinerary changes but refunds will be provided. Your original boarding position is not guaranteed. Southwest Business Customers booked through travel agencies may need to see a Southwest agent at the airport for both a same-day change or standby listing. See southwest.com/standby for more details.

Refundable⁷

As long as you cancel your reservation at least ten (10) minutes prior to the scheduled departure of your flight. If you cancel, you're eligible to receive 100% of your ticket value as a refund to your original form of payment. A Southwest flight credit from a previous reservation that is applied toward a Business Select or Anytime fare will be refunded as a Transferable Flight Credit. For travel booked with Rapid Rewards points, if canceled, points will be returned to the Rapid Rewards account holder who booked the ticket.

*Starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus™ reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation.

For Anytime or Business Select® reward travel reservations: the points used for booking will be redeposited to the purchaser's Rapid Rewards® account, and any taxes and fees associated with the reward travel reservation will be converted into a Transferable Flight Credit™ for future use.

Priority and Express Lanes⁸

Priority and Express Lanes, (where available), can be accessed by Business Select and Anytime Customers and A-List and A-List Preferred Members. Priority Lanes are at Southwest check-in counters, and Express Lanes are at security checkpoints.

EarlyBird Check-In®9

You will automatically be checked in to your flight 36 hours prior to scheduled departure. For Anytime fares purchased between 36 and 24 hours, the boarding position assignment process has begun so this may impact the boarding position assigned to you. If you purchase an Anytime fare within 24 hours of your flight's scheduled departure, you will not receive the EarlyBird Check-In benefit. In an irregular operation situation, the boarding position is not guaranteed.

Complimentary premium drink¹⁰

Flights traveling 175 miles or less only serve water.

Earning points¹¹

Points can be earned from (a) qualifying flights booked and flown through Southwest or (b) through qualifying purchases with our Rapid Rewards partners. Qualifying flights include flights paid entirely with dollars, Southwest LUV Vouchers[®], gift cards, or flight credits, and with no portion of the purchase price paid for with Rapid Rewards points. Cash + Points bookings will not earn Rapid Rewards points, tier qualifying points for A-List or A-List Preferred status, or Companion Pass qualifying points. All Rapid Rewards rules and regulations apply and can be found at Southwest.com/rrterms.

Free Inflight Internet¹²

Where available. Available only on WiFi-enabled aircraft. Limited-time offer.

Case 3:24-cv-02311-TSH Document 42-1

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Filed 09/17/24

Page 140 of 295

Connect with us Example to the latest deals.

Filed 09/17/24

Page 140 of 295

Connect with us Example to the latest deals.

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Continue >>

71%
Continue »

	74%
Where do you think the Oakland International Airport is located?	
(Please type in your response)	
Don't know / unsure	
	Continue »

	78%
Do you think the Oakland International Airport is?	
The same airport as the San Francisco International Airport	
A different airport from the San Francisco International Airport	
On't know / unsure	
	Continue »

	81%
Which of the following, if any, is the primary airport serving the San Francisco Bay Area?	
Oakland International Airport	
San Jose Mineta International Airport	
San Francisco International Airport	
○ Something else	
On't know / unsure	
	Continue »

	84%
Have you traveled by air to Northern California in the past?	
○ No	
Yes	
On't know / unsure	
	Continue »

	87%
What airport(s) did you fly into or out of when you traveled to Northern California in the past?	
(Select all that apply)	
San Francisco International Airport	
San Jose Mineta International Airport	
Sacramento International Airport	
Oakland International Airport	
Other (Please specify)	
Don't know / unsure	
Con	ntinue »

88%
Continue »

	92%
Which frequent flyer / airline loyalty program(s) are you a member of?	
(Select all that apply)	
Alaska	
Allegient	
American	
Delta	
Free Spirit	
Frontier	
Hawaiian	
Jet Blue	
Southwest	
United	
Something else (Please specify)	
Don't know / unsure	
	Continue »

<u>Help</u>

Case 3:24-cv-02311-TSH	Document 42-1	Filed 09/17/24	Page 149 of 295 93%
Which of the following, if any, are the a other locations?	irports that you typica	lly use when flying f	rom your home / business to
(Select all that apply)			
CLE – Cleveland Hopkins International A	irport		
CLT – Charlotte Douglas International Air	port		
CVG - Cincinnati/Northern Kentucky Inte	rnational Airport		
DCA - Ronald Reagan Washington Natio	nal Airport		
DFW – Dallas Fort Worth International Air	rport		
DTW – Detroit Metropolitan Wayne Coun	ty Airport		
FLL – Fort Lauderdale–Hollywood Interna	ational Airport		
☐ IAD – Dulles International Airport			
IAH – George Bush Intercontinental Airpo	ort		
IND – Indianapolis International Airport			
JFK – John F. Kennedy International Airp	ort		
MCO – Orlando International Airport			
MIA – Miami International Airport			
MSY – Louis Armstrong New Orleans Inte	ernational Airport		
ORD - Chicago O'Hare International Airp	ort		
PHL – Philadelphia International Airport			
PIT – Pittsburgh International Airport			
RDU - Raleigh-Durham International Air	port		
TPA - Tampa International Airport			
TUS – Tucson International Airport			
None of these			
Don't know / unsure			
			Continue »

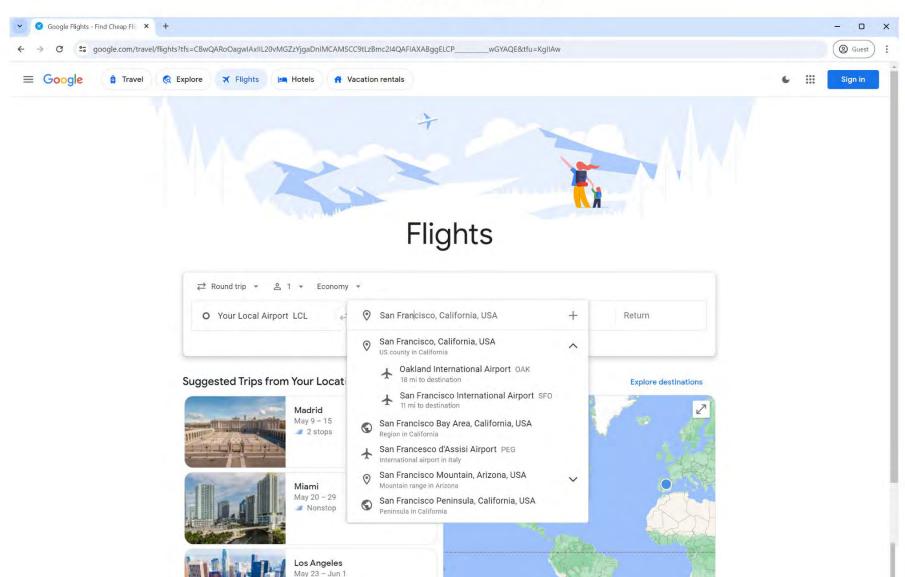
	96%
Do you or do any members of your household work for any of the following?	
(Select all that apply)	
An airline or travel website	
A market research or advertising company	
A company that offers homeowner's insurance	
A travel insurance company	
A company that offers car insurance	
A concert venue	
A hotel or hotel booking website	
A movie theatre	
An amusement park	
A rental car agency	
None of these	
Don't know / unsure	
Continu	e »

Google Flights Stimuli

Please imagine you were shopping for a flight to Northern California. On the next page you will be shown some information you might see if you were looking to purchase a flight. Please review this information carefully. When you are finished, please select the "Continue>>" button to proceed to the next screen. Please note, this is not a live webpage so you cannot "click" or alter any other information on the page. There will be a brief delay before you can move forward.

Continue »

57%



Continue

<u>Help</u>

69%
Continue »

	74%
Where do you think the Oakland International Airport is located?	
(Please type in your response)	
Don't know / unsure	
	Continue »

	78%
Do you think the Oakland International Airport is?	
A different airport from the San Francisco International Airport	
The same airport as the San Francisco International Airport	
On't know / unsure	
	Continue »

	81%
Which of the following, if any, is the primary airport serving the San Francisco Bay Area?	
San Jose Mineta International Airport	
San Francisco International Airport	
Oakland International Airport	
 Something else 	
On't know / unsure	
	Continue »

84%
Continue »

	87%
What airport(s) did you fly into or out of when you traveled to Northern California in the past?	
(Select all that apply)	
Sacramento International Airport	
San Francisco International Airport	
Oakland International Airport	
San Jose Mineta International Airport	
Other (Please specify)	
Don't know / unsure	
Con	ntinue »

88%
Continue »

	92%
Which frequent flyer / airline loyalty program(s) are you a member of?	
(Select all that apply)	
Alaska	
Allegient	
American	
Delta	
Free Spirit	
Frontier	
Hawaiian	
Jet Blue	
Southwest	
United	
Something else (Please specify)	
Don't know / unsure	
	Continue »

<u>Help</u>

Case 3:24-cv-02311-TSH	Document 42-1	Filed 09/17/24	Page 163 of 295 93%
Which of the following, if any, are the air other locations?	irports that you typica	lly use when flying f	rom your home / business to
(Select all that apply)			
CLE - Cleveland Hopkins International Ai	rport		
CLT - Charlotte Douglas International Air	port		
CVG - Cincinnati/Northern Kentucky Inte	rnational Airport		
DCA - Ronald Reagan Washington Natio	nal Airport		
DFW – Dallas Fort Worth International Air	port		
DTW - Detroit Metropolitan Wayne Count	ty Airport		
FLL – Fort Lauderdale–Hollywood Interna	tional Airport		
☐ IAD – Dulles International Airport			
IAH – George Bush Intercontinental Airpo	rt		
IND – Indianapolis International Airport			
JFK – John F. Kennedy International Airpo	ort		
MCO – Orlando International Airport			
MIA – Miami International Airport			
MSY - Louis Armstrong New Orleans Inte	ernational Airport		
ORD - Chicago O'Hare International Airp	ort		
PHL – Philadelphia International Airport			
PIT – Pittsburgh International Airport			
RDU - Raleigh-Durham International Airp	port		
TPA - Tampa International Airport			
TUS - Tucson International Airport			
None of these			
Don't know / unsure			
			Continue »

	96%
Do you or do any members of your household work for any of the following?	
(Select all that apply)	
An airline or travel website	
A market research or advertising company	
A company that offers homeowner's insurance	
A travel insurance company	
A company that offers car insurance	
A concert venue	
A hotel or hotel booking website	
A movie theatre	
An amusement park	
A rental car agency	
None of these	
Don't know / unsure	
Con	ntinue »

Airport Survey Mobile Screenshots

Thank you for your willingness to participate in our study. The responses you give to our questions are very important to us. If you don't know an answer to a question or if you don't have an opinion, please indicate this in your response. Do not guess. Your answers will only be used in the aggregate and your personal information will be kept confidential. The results of this study will not be used to try to sell you anything. If you wear glasses or corrective lenses when looking at a computer screen or while shopping for products, please be sure to wear them while taking this survey.

When you are ready to get started, please select the "Continue »" button.



Before continuing with this survey, please carefully read these instructions:

- · Please take this survey in one session.
- · While taking this survey, please do not, at any time, open any other windows or tabs on this computer or device or any other computer or device.
- · Please do not view any other written material while taking this survey.
- · Please do not consult or talk with any person while taking this survey.
- You will not be able to go back to previous screens to change your answers.
- · If you normally wear eyeglasses or corrective lenses, please wear them while you complete this survey.

Do you understand the above instructions and agree to follow them?

-	11	5.5
	Y	es



Don't know / unsure



- What type of device are you using to complete this survey?
- Mobile phone or cell phone
- Laptop computer
- Tablet computer
- Desktop computer
- Other

Continue »

Please verify that you are human.

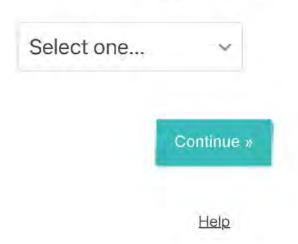


100	11011		2
Are	you	÷	

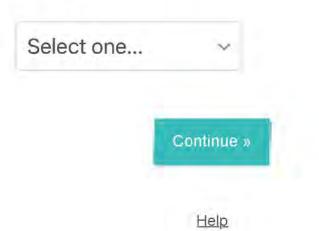
- Male
- Female
- Non-binary
- Other
- Prefer not to answer

Continue »

Please select your age.



In which state do you currently reside?



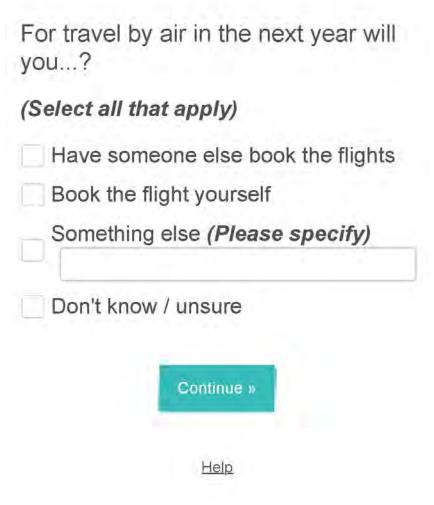
lease enter your zip code.
Enter 5-digit zip)
Continue »

In the next year, which of the following, if any, are you likely to do?

(Select all that apply)

- Attend a live music concert
- Purchase or lease a new vehicle
- Travel by air
- Purchase a new home appliance
- Move to a new home
- Attend an online class
- Change insurance providers
- None of the above
- Don't know / unsure

Continue »



Which of the following destinations, if any, are you likely to travel to by air in the next year? (Select all that apply) Grand Canyon Northern Florida Southern Florida Northern California Southern California Outer Banks New England Northern Europe Southern Europe Asia Great Lakes Region Middle East Somewhere else (Please specify) Don't know / no opinion

You indicated you are likely to fly to Northern California in the next year. Will your trip(s) to Northern California be for...?

(Select one)

- Business
- Pleasure
- Both business and pleasure

Other (Please specify)

Don't know / unsure

Continue »

Which of the following airlines would you consider using for your trip(s) to Northern California? (Select all that apply)

- Alaska
- Allegiant
- American
- Delta
- Hawaiian
- JetBlue
- Southwest
- Spirit
- Sun Country
- United
- Private airline / plane
- Other (Please specify)
- Don't know / unsure

Cal	en traveling to Northern lifornia, which of the following, if y, are you likely to do?
(Se	lect all that apply)
	Visit a tourist attraction
	Attend a professional conference
,	√isit clients / business partners
	Fly to another city / get a connecting flight
	√isit friends or family
	Rent a car
	Book a hotel room in another city or town
	Book a hotel room in San Francisco
	Something else (Please specify)
	Don't know / unsure
	Continue »

travel by air?
More than five times a year
Three or four times a year
Once every six months
Once a year
Once every few years
Other (Please specify)
O Don't know / unsure
Continue »
<u>Help</u>

Approximately how many times each week, if at all, do you do each of the following?

(Select one response per item)

Natch a professional sports event either at home or in person
Never or less than 1 time each week
1 time each week
2 times each week
3 times each week
4 times each week
5 times each week
More than 5 times each week
On't know / unsure

Engage in strenuous activity for 30 minutes or more Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 Never or less than 1 time each week	Page 182 of 295
1 time each week	
2 times each week	
3 times each week	
4 times each week	
5 times each week	
More than 5 times each week	
Oon't know / unsure	
Watch a full langth mayin	
Watch a full-length movie	
Never or less than 1 time each week	
1 time each week	
2 times each week	
3 times each week	

Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 4 times each week Page 183 of 295 5 times each week More than 5 times each week Don't know / unsure Please select 4 times each week for this item Never or less than 1 time each week 1 time each week 2 times each week 3 times each week 4 times each week 5 times each week More than 5 times each week Don't know / unsure

O there a sale week

Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 Page 185 of 295	
4 times each week	
5 times each week	
More than 5 times each week	
On't know / unsure	
Commute to an office or work location	
Never or less than 1 time each week	
1 time each week	
2 times each week	
3 times each week	
4 times each week	
5 times each week	
More than 5 times each week	
On't know / unsure	

Continue »

<u>Help</u>

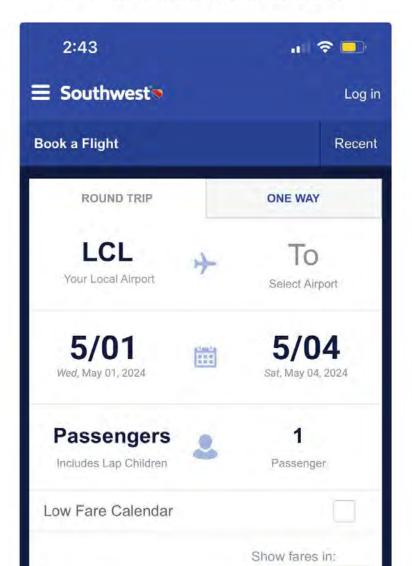
Please imagine you were shopping for a flight to Northern California. On the next few pages you will be shown some information you might see if you were looking to purchase a flight. Please review this information carefully. When you are finished, please select the "Continue>>" button to proceed to the next screen. Please note, these are not live webpages so you cannot "click" or alter any other information on the page. On each page, there will be a brief delay before you can move forward.

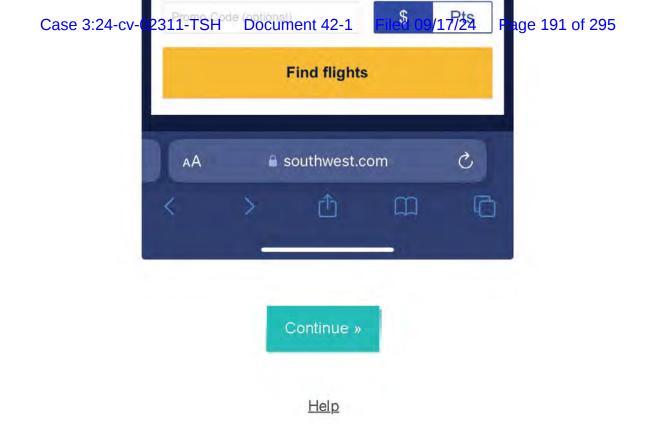


Test Group

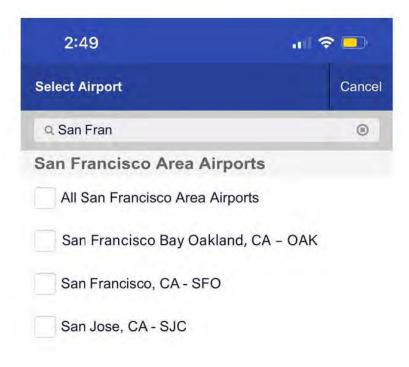
Southwest Stimuli

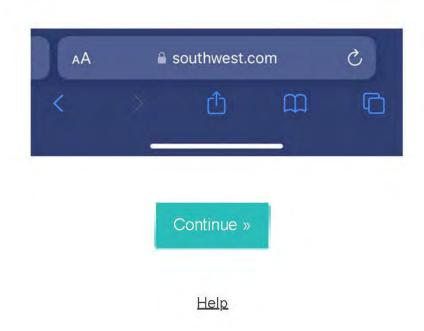
Click on the image to enlarge.





Click on the image to enlarge.





Were you able to view the information on the webpages clearly?

- Yes
- No
- O Don't know / unsure

Continue »

Where do you think the San Francisco Bay Oakland International Airport is located? (Please type in your response) Don't know / unsure Continue » Help

- Do you think the San Francisco Bay Oakland International Airport is...?
- The same airport as the San Francisco International Airport
- A different airport from the San Francisco International Airport
- On't know / unsure

Continue »

Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

- San Francisco Bay Oakland International Airport
- San Jose Mineta International Airport
- San Francisco International Airport
- Something else
- O Don't know / unsure

Continue »

Have you traveled by air to Northern California in the past?

Yes

No

Don't know / unsure

Continue »

What airport(s) did you fly into or out
of when you traveled to Northern
California in the past?

(Select all that apply)

San	Francisco	Interna	tional	Airport

- Oakland International Airport
- San Jose Mineta International Airport
- Sacramento International Airport
 - Other (Please specify)

Don't know / unsure

Continue »

Are you a member of any frequent flyer / airline loyalty programs?

- Yes
- No
- Don't know / unsure

Continue »

(Select all that apply)

- Alaska
- Allegient
- American
- Delta
- Free Spirit
- Frontier
- Hawaiian
- Jet Blue
- Southwest
- United
- Something else (Please specify)

Don't know / unsure

Which of the following, if any, are the airports that you typically use when flying from your home / business to other locations?

(Select all that apply)

	CLE - Cleveland Hopkins
H	International Airport

- CLT Charlotte Douglas International Airport
- CVG Cincinnati/Northern Kentucky International Airport
- DCA Ronald Reagan Washington National Airport
- DFW Dallas Fort Worth International Airport
- DTW Detroit Metropolitan Wayne County Airport
- FLL Fort Lauderdale–Hollywood International Airport

Case 3:24-cv-023 AD SH Duble small enaction and object Page 203 of 295 IAH – George Bush Intercontinental Airport IND - Indianapolis International Airport JFK – John F. Kennedy International Airport MCO – Orlando International Airport MIA – Miami International Airport MSY - Louis Armstrong New Orleans International Airport ORD - Chicago O'Hare International Airport PHL – Philadelphia International Airport PIT – Pittsburgh International Airport RDU - Raleigh-Durham International Airport TPA – Tampa International Airport TUS – Tucson International Airport

None of these

Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 Page 204 of 295

Don't know / unsure

<u>Help</u>

Continue »

Do you or do any members of your household work for any of the following?

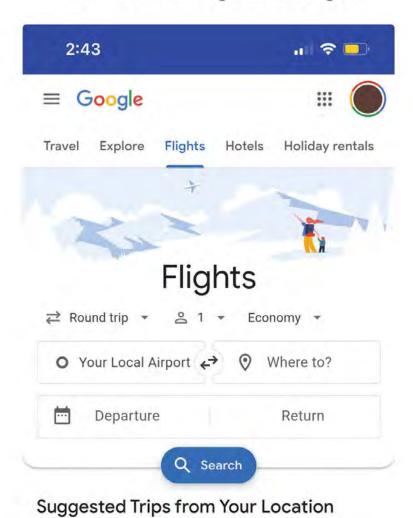
(Select all that apply)

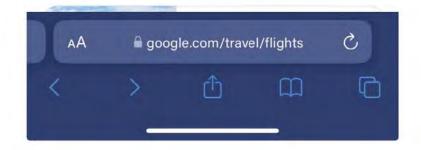
- A company that offers homeowner's insurance
- An airline or travel website
- A company that offers car insurance
- A market research or advertising company
- A concert venue
- A travel insurance company
- A rental car agency
- A hotel or hotel booking website
- A movie theatre
- An amusement park
- None of these
- Don't know / unsure



Google Stimuli

Click on the image to enlarge.

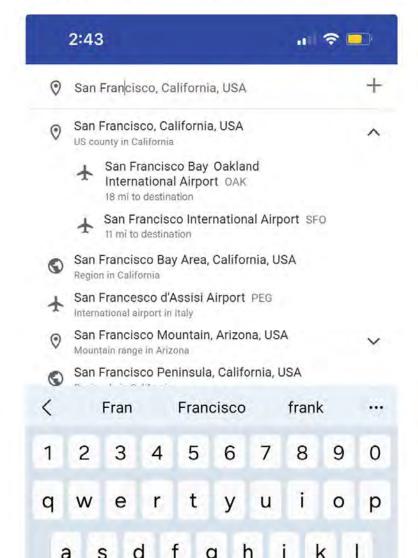


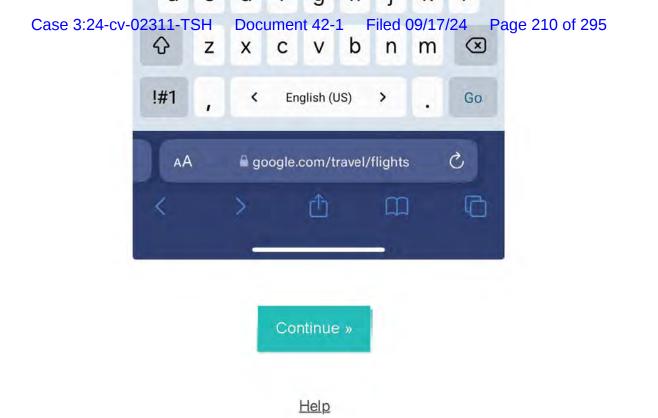




<u>Help</u>

Click on the image to enlarge.





Were you able to view the information on the webpages clearly?

- Yes
- No
- O Don't know / unsure

Continue »

Where do you think the San Francisco Bay Oakland International Airport is located? (Please type in your response) Don't know / unsure Continue » Help

- Do you think the San Francisco Bay Oakland International Airport is...?
- The same airport as the San Francisco International Airport
- A different airport from the San Francisco International Airport
- On't know / unsure

Continue »

Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

- San Francisco Bay Oakland International Airport
- San Jose Mineta International Airport
- San Francisco International Airport
- Something else
- O Don't know / unsure

Continue »

Have you traveled by air to Northern California in the past?

- Yes
- No
- Don't know / unsure

Continue »

What airport(s) did you fly into or out
of when you traveled to Northern
California in the past?

(Select all that apply)

San	Francisco	Interna	tional	Airport

- Oakland International Airport
- San Jose Mineta International Airport
- Sacramento International Airport
 - Other (Please specify)

Don't know / unsure

Continue »

Are you a member of any frequent flyer / airline loyalty programs?

- Yes
- No
- Don't know / unsure

Continue »

Which frequent flyer / airline loyalty program(s) are you a member of? (Select all that apply)

- Alaska
- Allegient
- American
- Delta
- Free Spirit
- Frontier
- Hawaiian
- Jet Blue
- Southwest
- United
 - Something else (Please specify)

Don't know / unsure

Which of the following, if any, are the airports that you typically use when flying from your home / business to other locations?

(Select all that apply)

Ė	CLE - Cleveland Hopkins
H	International Airport

- CLT Charlotte Douglas International Airport
- CVG Cincinnati/Northern Kentucky International Airport
- DCA Ronald Reagan Washington National Airport
- DFW Dallas Fort Worth International Airport
- DTW Detroit Metropolitan Wayne County Airport
- FLL Fort Lauderdale–Hollywood International Airport

Case 3:24-cv-023 AD SH Duble small enaction and object Page 220 of 295 IAH - George Bush Intercontinental Airport IND - Indianapolis International Airport JFK – John F. Kennedy International Airport MCO – Orlando International Airport MIA – Miami International Airport MSY - Louis Armstrong New Orleans International Airport ORD - Chicago O'Hare International Airport PHL – Philadelphia International Airport PIT – Pittsburgh International Airport RDU - Raleigh-Durham International Airport TPA – Tampa International Airport TUS – Tucson International Airport

None of these

Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 Page 221 of 295

Don't know / unsure

Continue »

Do you or do any members of your household work for any of the following?

(Select all that apply)

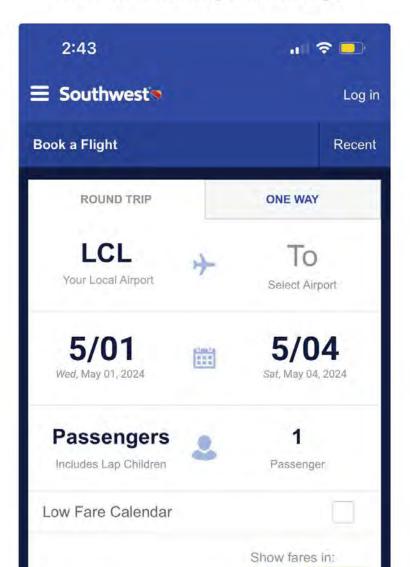
- A company that offers homeowner's insurance
- An airline or travel website
- A company that offers car insurance
- A market research or advertising company
- A concert venue
- A travel insurance company
- A rental car agency
- A hotel or hotel booking website
- A movie theatre
- An amusement park
- None of these
- Don't know / unsure

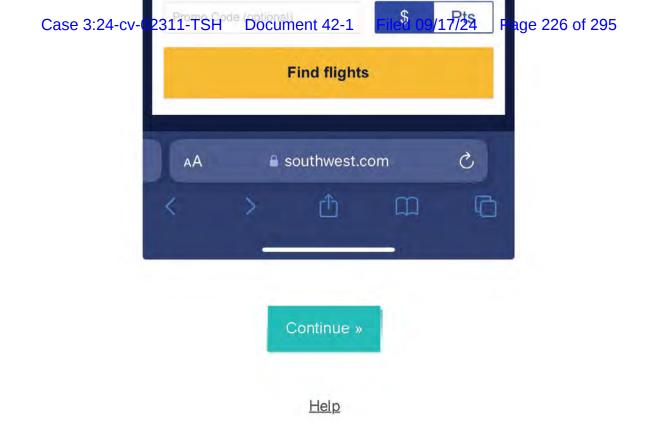


Control Group

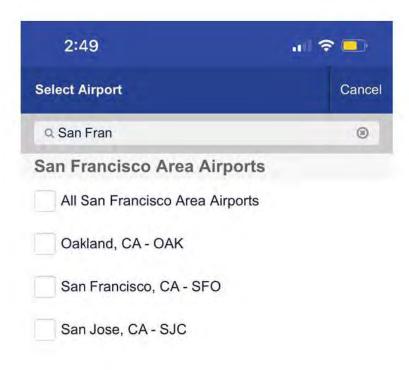
Southwest Stimuli

Click on the image to enlarge.





Click on the image to enlarge.





Were you able to view the information on the webpages clearly?

- Yes
- No
- O Don't know / unsure

Continue »

보기 아니라 그는 나는 아니라 나라 가는데 다니다.	think the Oakland Airport is located?
(Please type ii	n your response)
Don't know	/ unsure
	Continue »

Do you think the Oakland International Airport is...?

- The same airport as the San Francisco International Airport
- A different airport from the San Francisco International Airport
- On't know / unsure

Continue »

Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

- San Jose Mineta International Airport
- San Francisco International Airport
- Oakland International Airport
- Something else
- Don't know / unsure

Continue »

Have you traveled by air to Northern California in the past?

- Yes
- No
- Don't know / unsure

Continue »

What airport(s) did you fly into or out of when you traveled to Northern
California in the past?
(Select all that apply)

Ē	San Francisco International Airport
	Oakland International Airport
C	San Jose Mineta International Airport
	Sacramento International Airport
	Other (Please specify)
	Don't know / unsure

Help

Continue »

Are you a member of any frequent flyer / airline loyalty programs?

- Yes
- No
- Don't know / unsure

Continue »

Which frequent flyer / airline loyalty program(s) are you a member of?

(Select all that apply)

- Alaska
- Allegient
- American
- Delta
- Free Spirit
- Frontier
- Hawaiian
- Jet Blue
- Southwest
- United
 - Something else (Please specify)

Don't know / unsure

Which of the following, if any, are the airports that you typically use when flying from your home / business to other locations?

(Select all that apply)

F	CLE - Cleveland Hopkins
H	International Airport

- CLT Charlotte Douglas International Airport
- CVG Cincinnati/Northern Kentucky International Airport
- DCA Ronald Reagan Washington National Airport
- DFW Dallas Fort Worth International Airport
- DTW Detroit Metropolitan Wayne County Airport
- FLL Fort Lauderdale–Hollywood International Airport

Case 3:24-cv-023 AD SH Duble an externation and object Page 238 of 295 IAH - George Bush Intercontinental Airport IND - Indianapolis International Airport JFK – John F. Kennedy International Airport MCO – Orlando International Airport MIA – Miami International Airport MSY - Louis Armstrong New Orleans International Airport ORD - Chicago O'Hare International Airport PHL – Philadelphia International Airport PIT – Pittsburgh International Airport RDU - Raleigh-Durham International Airport TPA – Tampa International Airport TUS – Tucson International Airport

None of these

Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 Page 239 of 295 Don't know / unsure

Continue »

<u>Help</u>

Do you or do any members of your household work for any of the following?

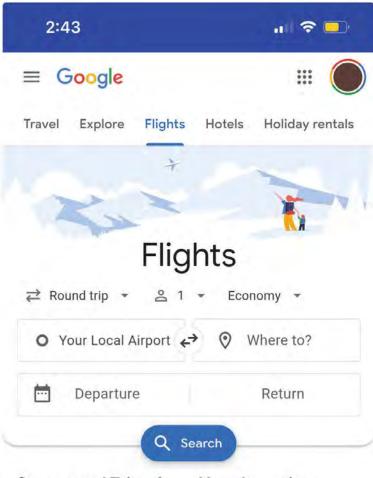
(Select all that apply)

- A company that offers homeowner's insurance
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- A company that offers car insurance
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- A hotel or hotel booking website
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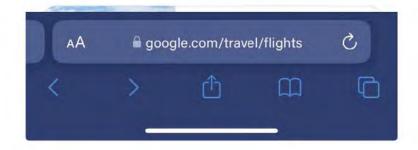


Google Stimuli

Click on the image to enlarge.



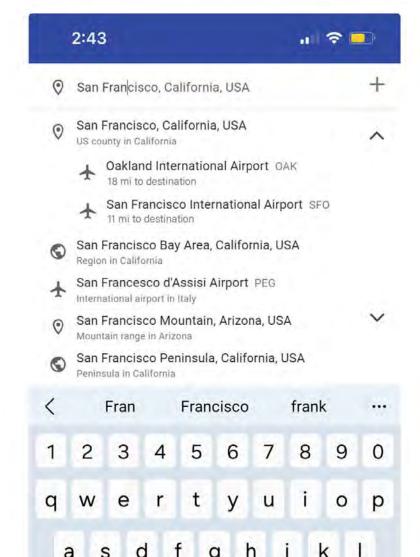
Suggested Trips from Your Location

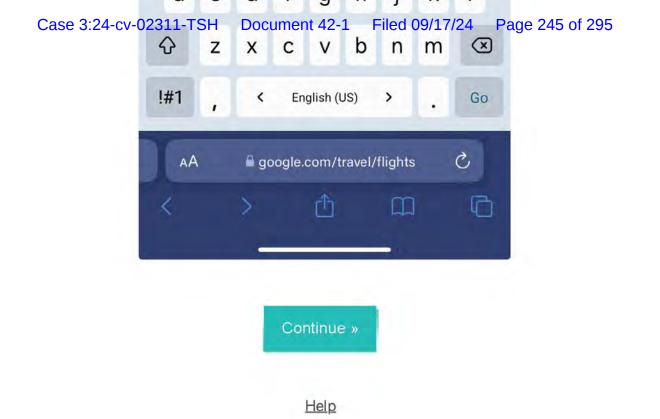




<u>Help</u>

Click on the image to enlarge.





Were you able to view the information on the webpages clearly?

- Yes
- No
- O Don't know / unsure

Continue »

Where do you think the Oakland International Airport is located?
(Please type in your response)
Don't know / unsure
Continue »
Help

Do you think the Oakland International Airport is...?

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- A different airport from the San Francisco International Airport
- On't know / unsure

Continue »

Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

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San	Francisco	Interna	tional	Airport

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Continue »

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Which frequent flyer / airline loyalty	1
program(s) are you a member of?	

(Select all that apply)

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- American
- Delta
- Free Spirit
- Frontier
- Hawaiian
- Jet Blue
- Southwest
- United
 - Something else (Please specify)

Don't know / unsure

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-	International Airport

- CLT Charlotte Douglas International Airport
- CVG Cincinnati/Northern Kentucky International Airport
- DCA Ronald Reagan Washington National Airport
- DFW Dallas Fort Worth International Airport
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- FLL Fort Lauderdale–Hollywood International Airport

Case 3:24-cv-023 AD SH Duble small enaction and object Page 255 of 295 IAH - George Bush Intercontinental Airport IND - Indianapolis International Airport JFK – John F. Kennedy International Airport MCO – Orlando International Airport MIA – Miami International Airport MSY - Louis Armstrong New Orleans International Airport ORD - Chicago O'Hare International Airport PHL – Philadelphia International Airport PIT – Pittsburgh International Airport RDU - Raleigh-Durham International Airport TPA – Tampa International Airport TUS – Tucson International Airport

None of these

Case 3:24-cv-02311-TSH Document 42-1 Filed 09/17/24 Page 256 of 295

Don't know / unsure

Continue »

Help

Do you or do any members of your household work for any of the following?

(Select all that apply)

- A company that offers homeowner's insurance
- An airline or travel website
- A company that offers car insurance
- A market research or advertising company
- A concert venue
- A travel insurance company
- A rental car agency
- A hotel or hotel booking website
- A movie theatre
- An amusement park
- None of these
- Don't know / unsure



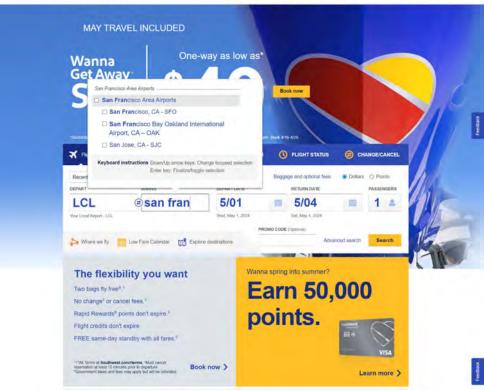
Exhibit F

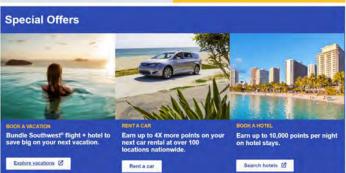
Desktop Stimuli

Test Group

Southwest Stimuli









That's a Big Flex, ¹⁰ No change¹ or cancel feles, ².

Fair difference may apply. ³ above to carbotil a reservation in state to amount in common prior to acheolated departure may result in trafficio flight credits.







"Pricing starts at \$15 one-way, and is subject to availability.
Pricing may vary based on the popularity and length of each (one-way) high
Please are respect to any change for once testing.

EarlyBird Check-In®

Travel with ease with the Southwest® app

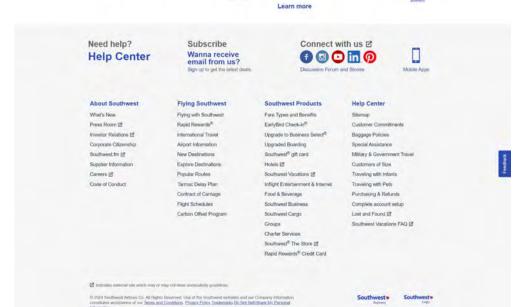
Download the Southwest[®] mobile app to check and get your boarding pass on your mobile



A plan for every type of business.

Wherever your business takes you, we can help you get there with ease and reliability.

Southwest



CL OAK

Your Local Airport to Oakland, California (San Francisco Bay Oakland International Airport)

May 03

Your Local Airport to San Francisco, California (San Francisco International Airport)

€ LCL + SJC Your Local Airport to San Jose, California (San José Mineta International Airport)

Select next flight

Fare Benefits

First and second checked bags. Weight and size limits apply. A golf bag or skis in a container acceptable to Southwest[®] can be substituted for one checked bag.

No change² or cancel fees³
If you need to change an upcoming flight itinerary, you'll only pay the difference in faire (if one applies). Failure to cancel a reservation at least 10 minutes prior to scheduled departure may result in forfeited travel funds.

Flight credits will be issued as long as the flight is canceled at least 10 minutes prior to the scheduled departure. Flight credits don't expire and are non-transferable. For travel booked with Rapid Rewards points: starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away® or Wanna Get Away Plus® reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure lime, any points used for booking will be forfieled, along with any taxes and fees associated with your reward travel reservation.

Transferable Flight Credit. "95
Transferable Flight Credit." will be issued as long as the flight is canceled at least 10 minutes prior to the scheduled departure. Transferable Flight Credit can be transferred between Rapid Rewards® Members. Only one transfer is permitted. For bookings made through a Southwest® Business channel, there is a limitation to transfer only between employees within the organization. Transferable Flight Credits don't expire. For travel booked with Rapid Rewards points: starting July 1, 2023 (12:00 a.m. CT), for Wanna Cerk Javay® or Wanna Get Away Plus™ reward travel reservations (booked with points): if you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation.

Free same-day change/standby⁶
Same-day change: On the day of travel, you can switch free of airline charges to another flight with space available departing on the same celendar day between the same origin airport and destination airport as your original flight. With the exception of A-List Preferred and A-List Membors. Customers who purchase Wanna Get Away trass are not eligible for free same-day change.

Same-day standby: You can list for same-day standby on an earlier flight via a Southwest Customer Service Agent at the airport or the Southwest app or mobile web. You will receive a message based on the contact preference selected during booking if you are cleared on the stands.

For both same-day change and same-day standby, you must change your flight or request to be added to the same-day standby list at least For both same-day change and same-day standay, you must change your ingint or request to be added to the same-day standay is at least. To finituse prior to the scheduled departure of your original flight or the no-show policy will apply. If using the app or mobile web for standay, you must list your name 30 minutes ahead of scheduled departure. You will be required to pay any government taxes and fees associated with these filineary changes but refunds will be provided. Your original boarding position is not guaranteed. Southwest Business Customers booked through travel agencies may need to see a Southwest agent at the airport for both a same-day change or standay listing. See southwest com/standby for more details.

As long as you cancel your reservation at least ten (10) minutes prior to the scheduled departure of your flight. If you cancel, you're eligible to receive 100% of your ticket value as a refund to your original form of payment. A Southwest flight credit from a previous reservation that is applied toward a Business Select or Anytime fare will be refunded as a Transferable Flight Credit. For travel booked with Rapid Rewards points, if canceled, points will be returned to the Rapid Rewards account holder who booked the ticket.

*Starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus th reward travel reservations (booked with points); If you do not cancel your reservation at teast 10 minutes before the flight's original scheduled departure time, any points used for booking will be torfeited, along with any taxes and fees associated with your reward travel reservation.

For Anytime or Business Select® reward travel reservations: the points used for booking will be redeposited to the purchaser's Rapid Rewards® account, and any taxes and fees associated with the reward travel reservation will be converted into a Transferable Flight Credit® for future use.

Priority and Express Lanes. (where available), can be accessed by Business Select and Anytime Customers and A-List and A-List Preferred Members. Priority Lanes are at Southwest check-in counters, and Express Lanes are at security checkpoints.

Earlysta Cineca-in
You will automatically be checked in to your flight 36 hours prior to scheduled departure. For Anytime fares purchased between 36 and 24 hours, the boarding position assignment process has begun so this may impact the boarding position assigned to you. If you purchase an Anytime fare within 24 hours of your flight's acheduled departure, you will not receive the EarlyBird Check-in benefit. In an irregular operatic situation, the boarding position is not guaranteed.

Complimentary premium drink¹

Flights traveling 175 miles or less only serve water.

Earning points."

Points can be earned from (a) qualifying flights booked and flown through Southwest or (b) through qualifying purchases with our Rapid Rewards partners. Qualifying flights include flights paid entirely with dollars, Southwest LUV Vouchens[®], gift cards, or flight credits, and with no portion of the purchase price paid for with Rapid Rewards points, Cash + Points bookings will not earn Rapid Rewards points, lier qualifying points for A-List or A-List Preferred states, or Companion Pass qualifying points. All Rapid Rewards cuies and regulations apply an

Free Inflight Internet¹²

allable, Available only on WiFi-enabled aircraft. Limited-time offer.

Important fare and schedule information



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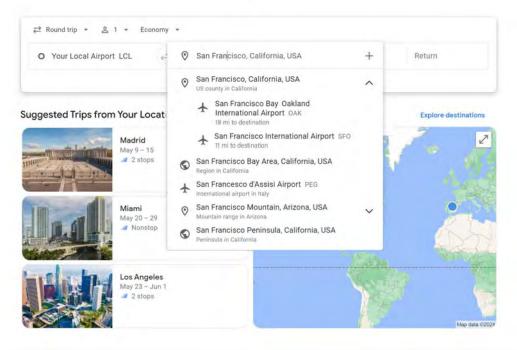




Google Stimuli



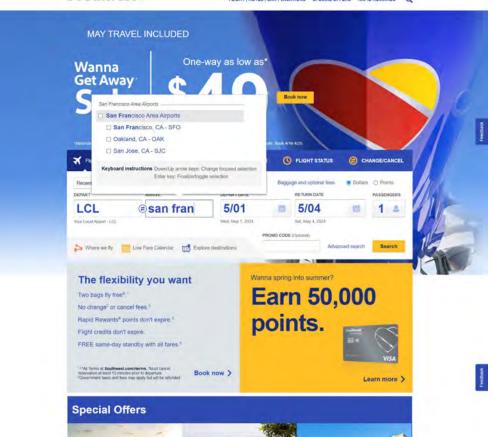


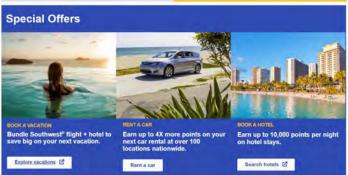


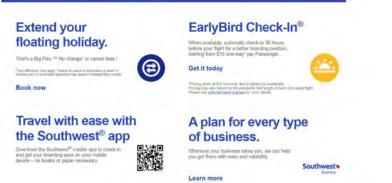
Control Group

Southwest Stimuli

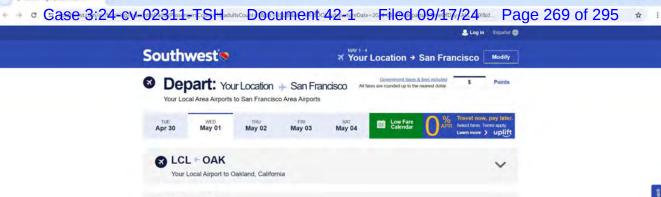












€ LCL + SFO Your Local Airport to San Francisco, California € LCL + SJC Your Local Airport to San Jose, California

Select next flight

Fare Benefits

First and second checked bags. Weight and size limits apply. A golf bag or skis in a container acceptable to Southwest® can be substituted for one checked bag.

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Flight credits will be issued as long as the flight is canceled at least 10 minutes prior to the scheduled departure. Flight credits don't expire and are non-transferable. For travel booked with Rapid Rewards points: starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away® or Wanna Get Away® plus "reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before triflight's original scheduled departure lime, any points used for booking will be forfieled, along with any taxes and fees associated with your reward travel reservation.

Transferable Flight Credit "
Transferable Fli

Free same-day change/standby⁶
Same-day change: On the day of travel, you can switch free of airline charges to another flight with space available departing on the same celendar day between the same origin airport and destination airport as your original flight. With the exception of A-List Preferred and A-List Members. Customers who purchase Wanna Get Away fares are not eligible for free same-day change.

Same-day standby: You can list for same-day standby on an earlier flight via a Southwest customer Service Agent at the airport or the Southwest app or mobile web. You will receive a message based on the contact preference selected during booking if you are cleared on the

For both same-day change and same-day standby, you must change your flight or request to be added to the same-day standby list at least For both same-day change and same-day standay, you must change your light for request to be added to the same-day standay is at least 10 finituities prior to the scheduled departure () your original flight or the no-show policy will apply. If using the app or mobile web for standay, you must list your name 30 minutes ahead of scheduled departure. You will be required to pay any government taxes and fees associated with these timerary changes but refunds will be provided. Your original boarding position is not guaranteed. Southwest Business Customers booked through travel agencies may need to see a Southwest agent at the airport for both a same-day change or standby listing. See southwest comistandby for more details.

As long as you cancel your reservation at least ten (10) minutes prior to the scheduled departure of your flight. If you cancel, you're eligible to reaching as you cansel your feller values at a return of the reaching as you cansel with the reaching as you cansel your feller value as a return of your original form of payment. A Southwest light credit from a previous reservation that I applied toward a Business Select or Anytime fare will be refunded as a Transferable Flight Credit. For travel booked with Rapid Rewards points, if canceled, points will be returned to the Rapid Rewards account holder who booked the ticket.

"Starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus™ reward travel reservations (booked with points); if you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation.

For Anytime or Business Select® reward travel reservations: the points used for booking will be redeposited to the purchaser's Rapid Rewards® account, and any taxes and fees associated with the reward travel reservation will be converted into a Transferable Flight Credit™ for future use.

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Earlystan Cineca-in
"Our will automatically be checked in to your flight 36 hours prior to scheduled departure. For Anytime fares purchased between 36 and 24 hours, the boarding position assignment process has begun so this may impact the boarding position assigned to you. If you purchase an Anytime fare within 24 hours of your flight's acheduled departure, you will not receive the EarlyBird Check-in benefit. In an irregular operation is the boarding position is not guaranteed.

Complimentary premium drink¹

Flights traveling 175 miles or less only serve water.

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Points can be earned from (a) qualifying flights booked and flown through Southwest or (b) through qualifying purchases with our Rapid Rewards partners. Qualifying flights include flights paid entirely with dollars, Southwest LUV Vouchers®, glit cards, or flight credits, and with no portion of the purchase price paid for with Rapid Rewards points. Cash + Points bookings will not earn Rapid Rewards points, lier qualifying points for A-List or A-List Preferred status, or Companion Pass qualifying points. All Rapid Rewards rules and regulations apply and

Free Inflight Internet¹²

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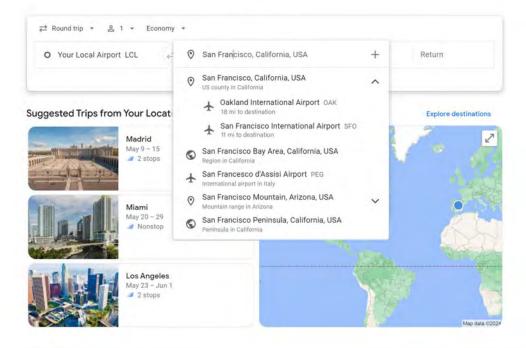




Google Stimuli



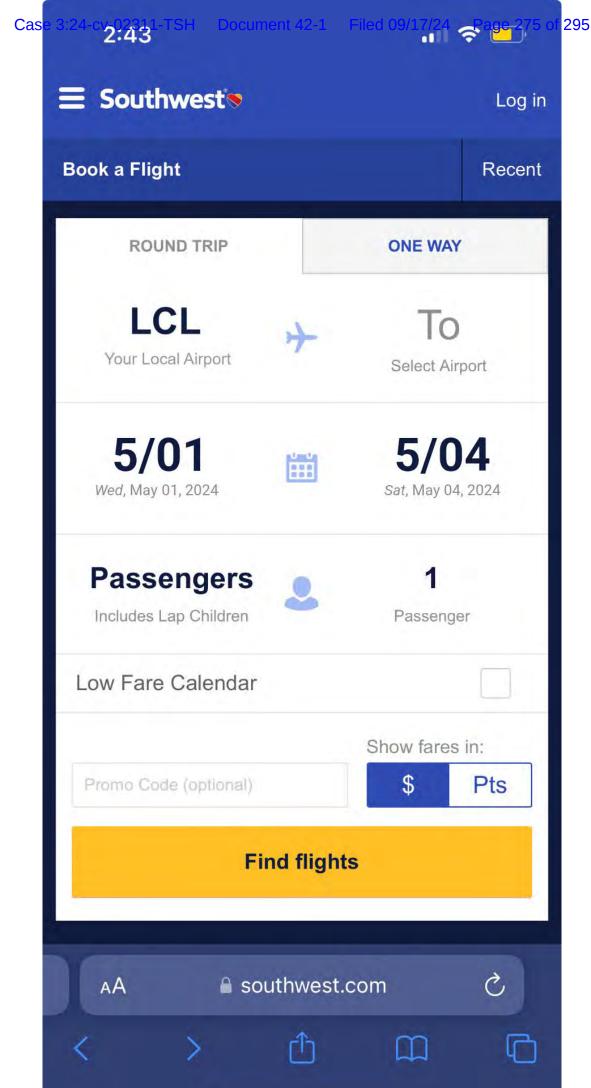
Flights

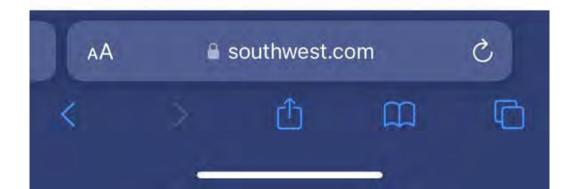


Mobile Stimuli

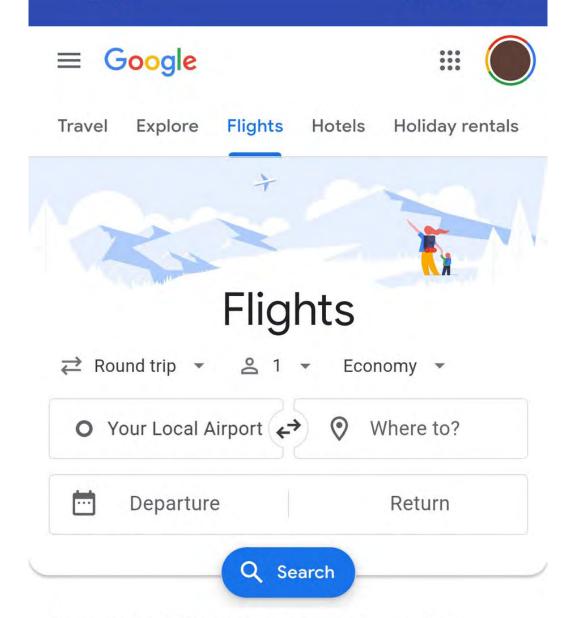
Test Group

Southwest Stimuli

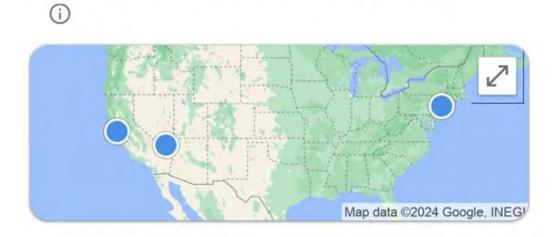


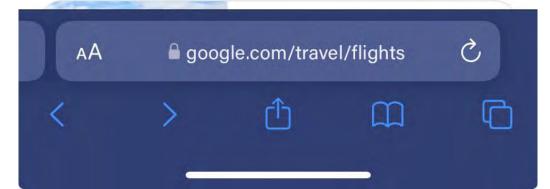


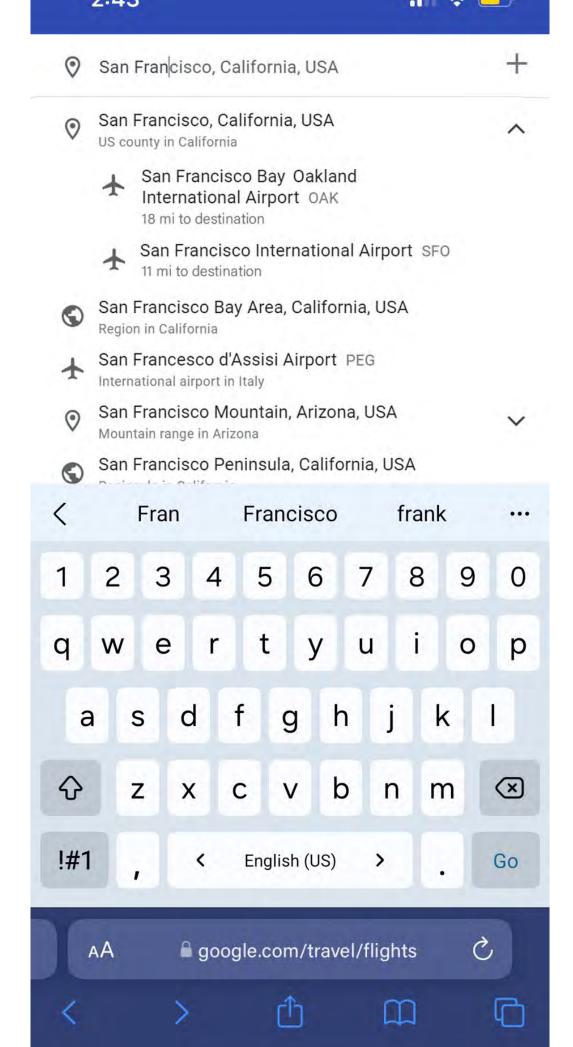
Google Stimuli



Suggested Trips from Your Location

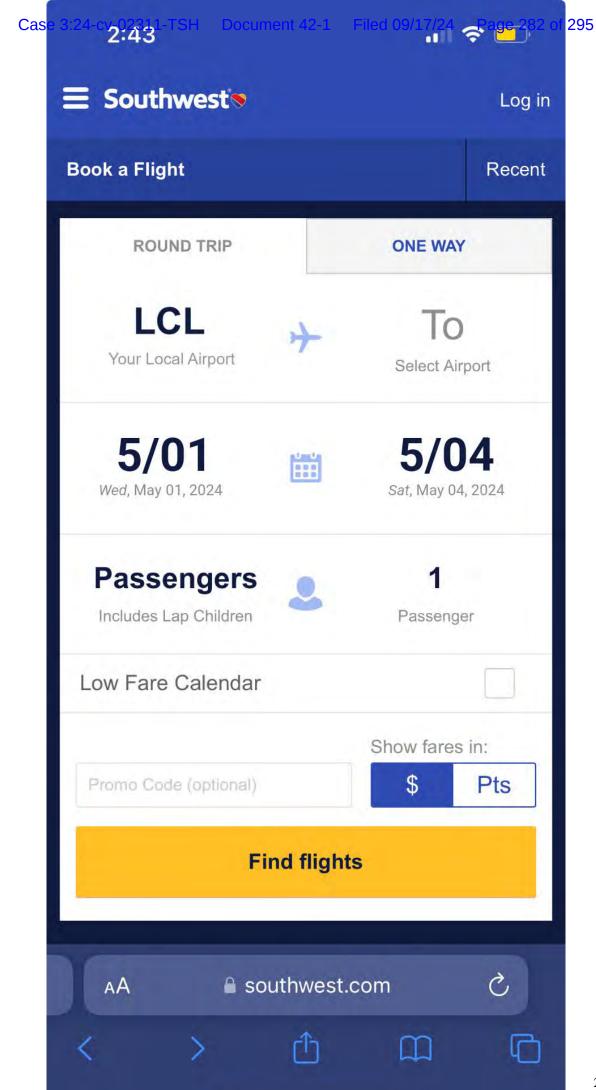






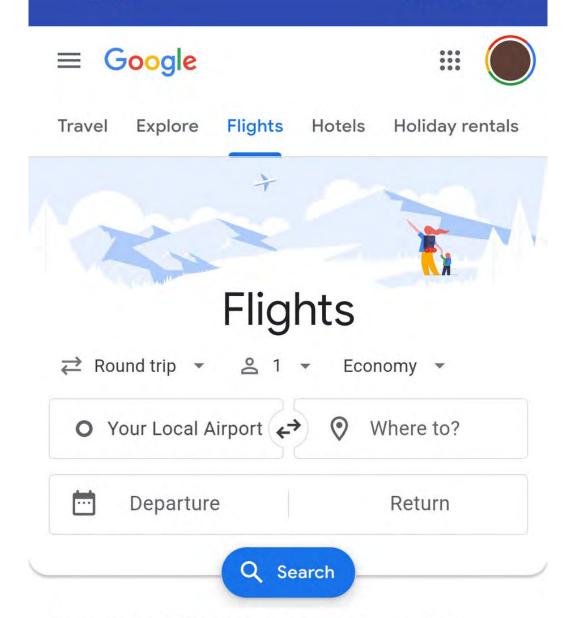
Control Group

Southwest Stimuli

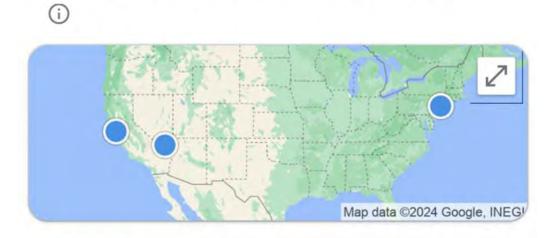


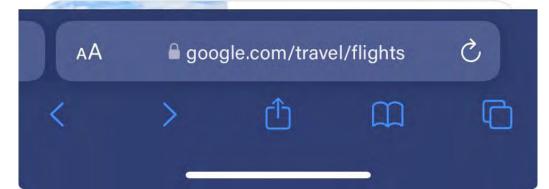


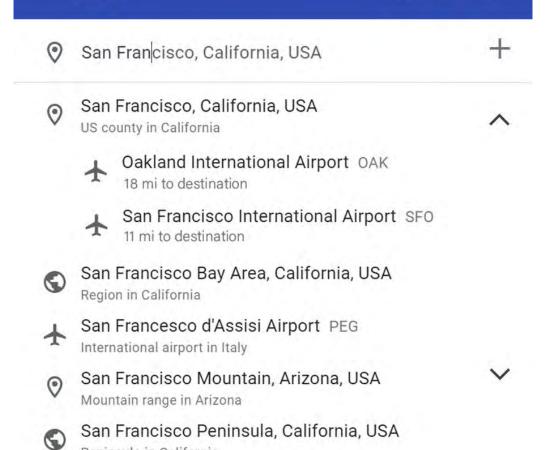
Google Stimuli



Suggested Trips from Your Location







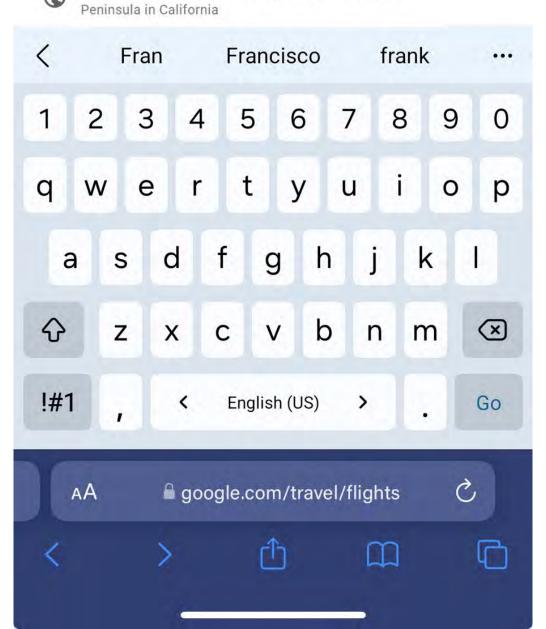


Exhibit G

Data produced in native format.

Exhibit H

Overall Confusion: Respondents Flagged for Straight-lining Added Back

	,	Test	C	ontrol	_		
Response	Count	Percent	Count	Percent	Net Percent		
Confused ¹	227	61.4%	133	37.0%	24.3%		
Total Respondents ²	370		359				

- Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?
- Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?
- Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

Notes: ¹ Respondents are confused if they indicated San Francisco at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

² A total of 122 respondents were flagged for straight-lining and removed from the main analysis for quality control purposes.

Overall Confusion: Respondents with Potential Industry Knowledge Removed

		Test	C	ontrol	_		
Response	Count	Percent	Count	Percent	Net Percent		
Confused ¹	158	57.7%	100	36.2%	21.4%		
Total Respondents ²	274		276				

- S21. Do you or do any members of your household work for any of the following?
- Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?
- Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?
- Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

Note: ¹ Respondents are confused if they indicated San Francisco at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

² A total of 57 respondents were flagged for potential industry knowledge and removed from this analysis.

Overall Confusion: By Frequency of Travel

	ix Months' or	Less Often ²	Travels by Air '3-4 Times a Year' or More Often							
		Test		Control		Test		Control		
Response	Count	Percent	Count	Percent	Net Percent	Count	Percent	Count	Percent	Net Percent
Confused ¹	92	60.5%	54	34.8%	25.7%	85	56.7%	56	37.3%	19.3%
Total Respondents	152		155			150		150		

S14. Approximately how often do you travel by air?

Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?

Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?

Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

Notes: ¹ Respondents are confused if they indicated San Francisco at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

² Five respondents who selected "Other" at S14 were included in the "Once Every Six Months or Less Often" category. Of these, four indicated they have never traveled by air, and one said "depends."

Overall Confusion: By General Stimuli Shown

		5		Google Flights Stimulus							
	-	Test		Control		Test		Control			
Response	Count	Percent	Count	Percent	Net Percent	Count	Percent	Count	Percent	Net Percent	
Confused ¹	81	53.3%	50	32.5%	20.8%	96	64.0%	60	39.7%	24.3%	
Total Respondents	152		154			150		151			

Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?

Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?

Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area:

Note: ¹ Respondents are confused if they indicated San Francisco at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

Overall Confusion: By Mode For Southwest Stimulus

	Southwest Mobile Stimulus									
	Test		Control			Test		Control		_
Response	Count	Percent	Count	Percent	Net Percent	Count	Percent	Count	Percent	Net Percent
Confused ¹	42	53.2%	23	30.3%	22.9%	39	53.4%	27	34.6%	18.8%
Total Respondents	79		76			73		78		

Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?

Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?

Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

Note: ¹ Respondents are confused if they indicated San Francisco at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

Overall Confusion: By Mode For Google Flights Stimulus

	Google Flights Mobile Stimulus									
		Test		Control		Test		Control		
Response	Count	Percent	Count	Percent	Net Percent	Count	Percent	Count	Percent	Net Percent
Confused ¹	41	56.9%	31	40.3%	16.7%	55	70.5%	29	39.2%	31.3%
Total Respondents	72		77			78		74		

Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?

Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?

Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?

Note: ¹ Respondents are confused if they indicated San Francisco at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

Overall Confusion: By Whether Respondent Has Traveled by Air to Northern California

		Has Traveled by Air to Northern California					Has Not Trave	led by Air to	Northern Cal	ifornia
		Test		Control		Test		Control		
Response	Count	Percent	Count	Percent	Net Percent	Count	Percent	Count	Percent	Net Percent
Confused ¹	80	53.3%	56	35.9%	17.4%	97	63.8%	54	36.2%	27.6%
Total Respondents	150		156			152		149		

S16. Have you traveled by air to Northern California in the past?

Note: ¹ Respondents are confused if they indicated San Francisco at Q1 OR selected "The same airport as the San Francisco International Airport" at Q2, OR selected "[San Francisco Bay] Oakland International Airport" at Q3.

Q1. Where do you think the [San Francisco Bay] Oakland International Airport is located?

Q2. Do you think the [San Francisco Bay] Oakland International Airport is...?

Q3. Which of the following, if any, is the primary airport serving the San Francisco Bay Area?